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PHILIP O. POST
INDEL, INC.
PO BOX 157
RANCOCAS NJ 08073

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
WEISS, et al :
Application No. 11/934,762 : **DECISION ON PETITION**
Filed: November 3, 2007 :
Docket No. 1946-022DIV :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 8, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) and the required statement of unintentional delay.

The Terminal Disclaimer filed March 24, 2011, is acknowledged and will be processed by the Technology Center.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3742 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/934,842	11/05/2007	Takehiko FUSHIMI	Q104950	6682
7590 08/05/2010 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER WILLIAMS, THOMAS J	
			ART UNIT 3657	PAPER NUMBER
			NOTIFICATION DATE 08/05/2010	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management

Adjustment date: 08/04/2010 NFARMER
11/05/2007 INTERSU 0000/000 194560 11934842
32 FC:1111 510.00 CR



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NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON DC 20375-5320

MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Application of :
Sanghera et al. :
Application No. 11/934946 : **ON PETITION**
Filing or 371(c) Date: 11/05/2007 :
Attorney Docket Number: 99014-US1 :

This is a decision on the petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), filed September 16, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 8, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Applicant filed a reply and extension of time on August 8, 2011; however the reply failed to place the application in condition for allowance. Accordingly, the date of abandonment of this application is August 9, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114 (filed August 8, 2011); (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 1741 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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AUG 13 2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re application of	:	DECISION ON REQUEST TO
Hozumi et al.	:	PARTICIPATE IN PATENT
Application No. 11/934,975	:	PROSECUTION HIGHWAY
Filed: November 5, 2007	:	PROGRAM AND PETITION
For: SEAT APPARATUS FOR VEHICLE	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 28, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

In light of the preliminary amendment filed June 28, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 08/12/10



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STANZIONE & KIM, LLP
919 18TH STREET, NW
SUITE 440
WASHINGTON, DC 20006

In re Application of: Sung-Hun KIM)
Application No. 11/935,029)
Filed: November 05, 2007) **DECISION ON PETITION**
For: COMPUTER AND POWER) **UNDER 37 CFR § 1.181**
CONTROL METHOD THEREOF)
)
)

This is a decision on the petition filed December 5, 2011 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner to require the Examiner to designate a new ground of rejection in the Examiner's Answer mailed October 5, 2011.

The petition is **DISMISSED**.

BACKGROUND

On January 19, 2011, a Final Rejection was mailed in which all pending claims were rejected.

On March 22, 2011, an after final amendment and remarks were filed.

On April 6, 2011, an Advisory Action was mailed, maintaining the rejection of all pending claims.

On April 19, 2011, a Notice of Appeal was filed.

On July 13, 2011, an Appeal Brief was filed.

On October 5, 2011, an Examiner's Answer was mailed.

On December 5, 2011, a Reply Brief as well as the instant petition were filed.

RULES AND PROCEDURES

MPEP § 1207.03 III states, in part:

SITUATIONS THAT ARE NOT CONSIDERED AS NEW GROUNDS of REJECTION

There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection.

Where the statutory basis for the rejection remains the same, and the evidence relied upon in support of the rejection remains the same, *a change in the discussion of, or rationale in support of, the rejection does not necessarily constitute a new ground of rejection.*

MPEP § 2112 IV states, in part:

Examiner Must Provide Rationale or Evidence Tending to show Inherency.

“To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, on and that it would be so recognized by persons of ordinary skill.”

MPEP § 2131.01 III states, in part:

Extra References or Other Evidence Can Be Used to Show an Inherent Characteristic of the Thing Taught by the <Primary> Reference.

“When the reference is silent about the asserted inherent characteristic, *such gap in the reference may be filled with recourse to extrinsic evidence.* Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.”

OPINION

A review of the file history indicates that: 1) In the claim rejection, the Examiner’s Answer of October 5, 2011 maintains the same 35 USC 103 rejection as set forth in the Final Office action of January 19, 2011, i.e. Applicant’s Admitted Prior Art (AAPR) in view of Burns et al. (US Pat. No. 7,317,298); and 2) in the application of the prior art (above) as set forth in the Examiner’s Answer, the Examiner relies on the same discussion of the prior art teachings to the claim limitations, as that set forth in the Final office action. Therefore, clearly the basic thrust of the rejection remains the same.

It is only in the “response to argument” section of the Examiner’s Answer in which the Examiner relies on the citation of US Pat. No. 7,252,919 to Suzuki and US Pat. No. 5,058,023 to Kozikaro in support of existing rationale found within the rejection set forth under 35 USC 103. This

supporting rationale of the current rejection via extrinsic evidence is allowed, as set forth in MPEP § 2112 IV and § 2131.01 III (above).

Therefore, the extrinsic evidence by way of the above noted US references appears to be proper in accordance with MPEP§ 2112 IV and § 2131.01 III and is consistent with current Office practice.

DECISION

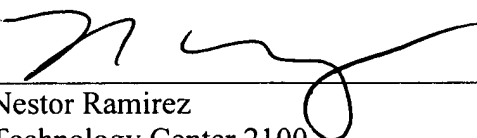
Since the statutory basis for the rejection remains the same, and the evidence relied upon in support of the rejection remains the same, and the change in the discussion and rationale in support of the rejection is proper; it has been found that Examiner's Answer mailed October 5, 2011 did not introduce new ground of rejection pursuant MPEP 1207.03.

Accordingly, the petition is **DISMISSED**.

Since the rejection set forth in the Examiner's Answer is not considered to be a new ground of rejection, the Examiner is not required to send a corrected Examiner's Answer.

Upon the mailing of this decision, the application will be forwarded to the Examiner for prompt consideration of the Reply Brief filed on December 5, 2011.

Any inquiry concerning this decision should be directed to Brian Johnson, whose telephone number is (571) 272-3595.



Nestor Ramirez
Technology Center 2100
Computer Architecture and Software



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Patent No. : **7965853**
Ser. No. : **11/935142**
Inventor(s) : **GAO, SHAWN X.**
Issued : **06/21/2011**
Title : **BAND-LIMITED ADAPTIVE FEEDBACK CANCELLER FOR HEARING AIDS**
Docket No. : **37422P019D**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

In regards to the alleged error(s) on the Title Page, Item 75 is printed in accordance with the Oath or Declaration filed on 11-5-07. A \$100 fee is required for an applicant's error.

In view of the foregoing, your request, in this matter, is hereby denied.

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Michael Gillis Kane	:	
Application No. 11/935153	:	DECISION ON REQUEST
Filing or 371(c) Date: 11/05/2007	:	FOR RECONSIDERATION OF
Attorney Docket Number: 088245-4069	:	PATENT TERM ADJUSTMENT

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. § 1.705(b)," filed April 15, 2011. Applicant requests that the Patent Term Adjustment be changed to reflect 874 days, not 604 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected

issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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MAR 05 2012
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In re Application of	:	
Cassia et al.	:	ON APPLICATION FOR
Application No. 11/935200	:	PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 11/05/2007	:	INCLUDING REQUEST FOR
Attorney Docket Number:	:	RECONSIDERATION
072003	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed January 25, 2012. Applicant petitions for reconsideration of the patent term adjustment to five hundred ninety-three (593) days, not five hundred ninety (590) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction based upon an assertion that the Office erred in calculating reductions of one (1) and two (2) days.

The Application for Patent Term Adjustment Including Request for Reconsideration of Patent Term Adjustment ("PTA") under 37 CFR 1.705(b), as it relates to the assertion that the Office erred in calculating reductions of one (1) and two (2) days is **GRANTED**.

On October 26, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is five hundred ninety (590) days.

On January 25, 2012, Applicant timely submitted the instant application for patent term adjustment¹. Applicant requests that the Determination of Patent Term Adjustment be corrected from five hundred ninety (590) days, as indicated on the Determination of PTA mailed August 15, 2011, to an adjustment of five hundred ninety-three (593) days. Applicant avers that the Office incorrectly charged Applicant with reductions of one (1) and two (2) days of delay.

Applicant asserts that the Office erred in calculating five hundred ninety (590) days. The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed October 26, 2011 indicates a patent term of five hundred ninety (590) days. The present request for reconsideration of patent term adjustment indicates that the Office may have erred in calculating reductions of one (1) and two (2) days in connection with the filing of (1) a reply on Monday, May 23, 2011, filed in reply to a Notice of Allowance and Issue Fee Due, mailed February 22, 2011, and (2), in

¹ PALM records show that the Issue Fee payment was received in the Office on January 25, 2012.

connection with the filing of a reply on Monday, September 19, 2011, filed in reply to a Notice of Allowance and Issue Fee Due, mailed June 17, 2011.

Office records reveal that a reply to a Notice of Allowance and Issue Fee Due, mailed February 22, 2011, was filed on Monday, May 23, 2011. Accordingly, the period of reduction of one (1) days entered for the reply is not warranted and is being removed.

Office records reveal further that a reply to a Notice of Allowance and Issue Fee Due, mailed June 17, 2011, was filed on Monday, September 19, 2011. Accordingly, the period of reduction of two (2) days entered for the reply is not warranted and is being removed.

In view thereof, as of the time of allowance, the application is entitled to an overall patent term adjustment of five hundred ninety-three (593) days, subject to any terminal disclaimer.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 11935200 [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTA Calculations for Application: 11935200

Application Filing Date	11/05/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	624
A Delays	624	PTO Manual Adjustment	3
B Delays	0	Applicant Delay (APPL)	34
C Delays	0	Total PTA (days)	593

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
84	02/29/2012		P028	Adjustment of PTA Calculation by PTO	3		0
67	10/26/2011		MN/=.	Mail Notice of Allowance			0
66	10/21/2011		OAR	Office Action Review			0
65	10/21/2011		OAR	Office Action Review			0
64	10/21/2011		N/=.	Notice of Allowance Data Verification Completed			0
63	10/20/2011		EX.R	Reasons for Allowance			0
62	10/20/2011		CNTA	Allowability Notice			0
57	09/20/2011		ABN9	Disposal for a RCE / CPA / R129			0
61	09/19/2011		IDSC	Information Disclosure Statement considered			0
60	09/19/2011		RCAP	Reference capture on IDS			0
59	09/19/2011		M844	Information Disclosure Statement (IDS) Filed			0
58	09/19/2011	09/17/2011	RCEX	Request for Continued Examination (RCE)		2	50
55	09/19/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
54	09/19/2011		BRCE	Workflow - Request for RCE - Begin			0
53	06/21/2011		EIDC	Export to Initial Data Capture			0
52	06/17/2011		ELC_RVW	Electronic Review			0
51	06/17/2011		EML_NTF	Email Notification			0
50	06/17/2011		MN/=.	Mail Notice of Allowance			0
49	06/14/2011		OAR	Office Action Review			0
48	06/14/2011		OAR	Office Action Review			0
47	06/14/2011		IREV	Issue Revision Completed			0
46	06/14/2011		DVER	Document Verification			0
45	06/14/2011		N/=.	Notice of Allowance Data Verification Completed			0
44	06/03/2011		EX.R	Reasons for Allowance			0
43	06/03/2011		CNTA	Allowability Notice			0
38	05/25/2011		ABN9	Disposal for a RCE / CPA / R129			0
42	05/23/2011		IDSC	Information Disclosure Statement considered			0
41	05/23/2011		RCAP	Reference capture on IDS			0
40	05/23/2011		M844	Information Disclosure Statement (IDS) Filed			0
39	05/23/2011	05/22/2011	RCEX	Request for Continued Examination (RCE)		1	31
37	05/23/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
36	05/23/2011		BRCE	Workflow - Request for RCE - Begin			0
35	04/06/2011		FIDC	Finished Initial Data Capture			0
33	02/22/2011		ELC_RVW	Electronic Review			0
32	02/22/2011		EML_NTF	Email Notification			0
31	02/22/2011		MN/=.	Mail Notice of Allowance			0
34	02/21/2011		EIDC	Export to Initial Data Capture			0
30	02/16/2011		IREV	Issue Revision Completed			0
29	02/16/2011		DVER	Document Verification			0
28	02/16/2011		N/=.	Notice of Allowance Data Verification Completed			0
27	02/16/2011		CNTA	Allowability Notice			0
26	01/25/2011		FWDX	Date Forwarded to Examiner			0
25	01/21/2011	12/21/2010	A...	Response after Non-Final Action		31	20
24	01/21/2011		XT/G	Request for Extension of Time - Granted			0
23	01/21/2011		C614	New or Additional Drawing Filed			0
22	09/21/2010		ELC_RVW	Electronic Review			0
21	09/21/2010		EML_NTF	Email Notification			0
20	09/21/2010	01/05/2009	MCTNF	Mail Non-Final Rejection	624		0.5
19	09/15/2010		CTNF	Non-Final Rejection			0
13	05/27/2010		DOCK	Case Docketed to Examiner in GAU			0
12	05/08/2009		EML_NTR	Email Notification			0
11	05/07/2009		PG-ISSUE	PG-Pub Issue Notification			0
10	04/04/2008		DOCK	Case Docketed to Examiner in GAU			0
9	04/04/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
8	02/05/2008		OIPE	Application Dispatched from OIPE			0
7	12/14/2007		EML_NTR	Email Notification			0

5	12/14/2007	FLRCPT.O	Filing Receipt	0
6	12/13/2007	PGPC	Sent to Classification Contractor	0
4	11/25/2007	L128	Cleared by L&R (LARS)	0
3	11/15/2007	L198	Referred to Level 2 (LARS) by OIPE CSR	0
2	11/05/2007	SCAN	IFW Scan & PACR Auto Security Review	0
1	11/05/2007	IEXX	Initial Exam Team nn	0
0.5	11/05/2007	EFILE	Filing date	0

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PERKINS COIE LLP
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SEATTLE WA 98111-1247

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DEC 02 2011

OFFICE OF PETITIONS

In re Application of
Luke et al.
Application No. 11/935,276
Filed: 11/05/2007
Attorney Docket No. 620198005US

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed November 17, 2011, to change the name of the third named inventor from "THOMAS CHIEN" to – CHIH-LING CHIEN – in the above-identified application.

The petition is **GRANTED**.

The Office records have been updated to reflect the correction of the inventor's name and a new bib-data sheet has been printed and scanned in the Image File Wrapper. A corrected Filing Receipt, which reflects the inventor's name change, accompanies this decision.

Any questions concerning this matter may be directed to undersigned at (571) 272-3211. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Data Management for issuance of a patent.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/935,276	11/05/2007	2835	1740	620198005US	24	4

CONFIRMATION NO. 7594

CORRECTED FILING RECEIPT



25096
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Date Mailed: 12/02/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Hok-Sum H. Luke, Bellevue, WA;
Allen M. Han, Snoqualmie, WA;
Chih-Ling Chien, Taoyuan City, TAIWAN;
Claude Zellweger, San Francisco, CA;

Assignment For Published Patent Application

High Tech Computer (HTC) Corporation, Taoyuan City, TAIWAN

Power of Attorney: The patent practitioners associated with Customer Number 25096

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 11/28/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/935,276**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ELECTRONIC DEVICES WITH SURFACE FEATURES

Preliminary Class

361

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

MAILED

SEP 14 2011

OFFICE OF PETITIONS

In re Patent No. 8,015,010
Issue Date: September 6, 2011
Application No. 11/935,379
Filed: November 5, 2007
Attorney Docket No. 67182-995PUS2

:
:
:
:
:

DECISION ON PETITION

This is a decision on the Petition To Correct The Assignee Under 37 CFR 3.81(B) and Request For Certificate Of Correction, filed July 29, 2011, to identify the correct assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests, that a Certificate of Correction (PTO/SB/44) be issued to correct assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent No. 8,015,010
Application No. 11/935,379
Decision on Petition under 37 CFR 3.81


Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 8,015,010.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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JOHN BROOKS LAW LLC
P.O. Box 156
WRENTHAM, MA 02093

MAILED

JAN 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Paul CORLEY	:	
Application No. 11/935,397	:	DECISION GRANTING PETITION
Filed: November 5, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SHACPP0601PU	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 26, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 22, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3748 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/935,428	11/06/2007	Robert P. Morris	1495/US	7894
49277 7590 11/21/2011 SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			EXAMINER TRAN, TUYETLIEN T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 11/21/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Kevin L. Wingate
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, North Carolina 27607

In re Application of:
Robert P. MORRIS
Appl. No.: 11/935,428
Filed: November 6, 2007
For: METHOD AND SYSTEM FOR PRESENTING A
TRANSITION EFFECT BETWEEN REMOTELY-
SOURCED CONTENT IN A BROWSER

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 14 November 2011.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 14 November 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, QAS
Technology Center 2100
Computer Architecture and Software



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/935,428	11/06/2007	Robert P. Morris	I495/US	7894
49277 7590 02/23/2012 SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			EXAMINER TRAN, TUYETLIEN T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 02/23/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Kevin L. Wingate
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, North Carolina 27607

In re Application of:
Robert P. MORRIS
Appl. No.: 11/935,428
Filed: November 6, 2007
For: METHOD AND SYSTEM FOR PRESENTING A
TRANSITION EFFECT BETWEEN REMOTELY-
SOURCED CONTENT IN A BROWSER

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecutions under 37 CFR § 1.103(a) filed on 22 February 2012.

The petition is **GRANTED**.

Pursuant to applicant's requests filed on 22 February 2012, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, QAS
Technology Center 2100
Computer Architecture and Software



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JAY M. SCHLOFF
6960 ORCHARD LAKE ROAD
SUITE 315
WEST BLOOMFIELD MI 48322

MAILED

FEB 03 2011

OFFICE OF PETITIONS

In re Application of :
James Blevins :
Application No. 11/935,436 : ON PETITION
Filed: November 6, 2007 :
Attorney Docket No. IPX07BLEV001 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 6, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant's attorney that applicant is 65 years of age and a statement from applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3771 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

**Seagate Technology LLC
1280 Disc Drive
Shakopee MN 55379**

In re Application of	:	
James C. Alexander et al.	:	
Application No. 11/935,711	:	DECISION ON PETITION
Filed: November 6, 2007	:	
Attorney Docket No. STL7939.10	:	

This is a decision on the petition under 37 CFR 1.59(b), filed October 4, 2010, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that specific documents filed September 10, 2010, be expunged from the record.

The petition fee has been charged to petitioner's deposit account as directed.

MPEP 724.05(II) states in part:

II. INFORMATION UNINTENTIONALLY SUBMITTED IN APPLICATION

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

- (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
- (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

The petition is deficient because there is no statement addressing (C).

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long horizontal flourish extending to the right.

Carl Friedman
Petitions Examiner
Office of Petitions



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MARSH, FISCHMANN & BREYFOGLE LLP
8055 EAST TUFTS AVENUE
SUITE 450
DENVER, CO 80237

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of
Antony Brinlee, et al.
Application No. 11/935,774
Filed: November 6, 2007
Attorney Docket No.: 50224-00152

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 5, 2010, to revive the above-identified application.

The petition is **GRANTED**.

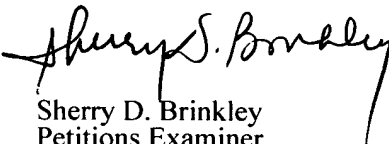
The petition is not signed by a registered attorney or agent of record. However, in accordance with 37 CFR 1.34(a), the signature of Robert G. Crouch appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 7, 2010. This decision precedes the mailing of a Notice of Abandonment. On August 5, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$810; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay¹.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

This application is being referred to Technology Center AU 2832 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.



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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of :
Masayuki Sakakura et al :
Application No. 11/935,831 : DECISION GRANTING PETITION
Filed: November 6, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12732-0094002 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 21, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 2, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2879 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**LAW OFFICE OF ROBERT E. KASODY,
PROFESSIONAL CORPORATION
6601 CENTER DRIVE WEST, SUITE #500
LOS ANGELES CA 90045**

MAILED
OCT 12 2010
OFFICE OF PETITIONS

In re Application of	:	
SCALISI, Joseph F.	:	
Application No. 11/935,901	:	DECISION ON PETITION
Filed: November 06, 2007	:	TO WITHDRAW
Attorney Docket No. LBTECH.010A	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 02, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Robert E. Kasody on behalf of all attorneys of record who are associated with customer No. 70515. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Joseph F. Scalisi at the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

A handwritten signature in black ink, appearing to read "Michelle R. Eason", with a stylized flourish at the end.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JOSEPH F. SCALISI**
38 DISCOVERY
SUITE 150
IRVINE, CA 92618



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SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

MAILED

SEP 14 2010

In re Application of
Florian Blaschegg.
Application No. 11/935,970
Filed: November 6, 2007
Attorney Docket No. ODM-012

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Thomas Schneck on behalf of all attorneys of record who are associated with customer No. 03897. All attorneys/agents associated with the Customer Number 03897 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

There is an outstanding Office action mailed June 22, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.
All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: FLORIAN BLASCHEGG
MENGERGASSE 39/21
VIENNA 1210 AUSTRIA

cc: ON DEMAND MICROELECTRONICS AG
DONAU-CITY-STRASSE 11
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/935,970	11/06/2007	Florian Blaschegg	ODM-012

CONFIRMATION NO. 8937

POWER OF ATTORNEY NOTICE



Date Mailed: 09/07/2010

3897
SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/05/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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JUN 23 2011

OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,921,111	: LETTER REGARDING
Issued: April 5, 2011	: PATENT TERM ADJUSTMENT
Application No. 11/935,991	: and
Filed: November 6, 2007	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 07844-0529003 /	: CERTIFICATE OF CORRECTION
B009 C1	

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d) filed on May 20, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted from 379 to 443 days.

The request for review of the patent term adjustment is **GRANTED** to the extent indicated herein.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of THREE HUNDRED THIRTY-ONE (331) days.

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer**, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

On April 4, 2011, the above-identified application matured into U.S. Patent No. 7,921,111 with a patent term adjustment of 379 days. On May 20, 2011, Patentees submitted the instant application. Patentees disclose that the patent term adjustment of 379 days indicated on the front of the patent is incorrect because Applicant Delay of 48 days for delay from September 25, 2010, to November 11, 2010 should have been accorded pursuant to 37 C.F.R. § 1.704(c)(8). Patentee also maintains that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentee contends that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentee argues that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on December 15, 2010, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 112 day period from December 15, 2010 (the mailing date of the Notice of Allowance) until April 5, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 112 days and be increased from 0 to 112 days. Patentee

concludes that the correct patent term adjustment is 443 days (the sum of 379 days of "A delay" and 112 days of "B delay" minus 48 days of Applicant delay).

RELEVANT STATUTE AND REGULATIONS

37 CFR 1.704(c)(8) provides that:

the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

- (3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;
- (4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or
- (5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Applicant's arguments have been considered. The Information Disclosure Statement filed November 11, 2010 was filed after the filing of a response to the Final Office Action on September 24, 2010. In this instance, the filing of the Information Disclosure Statement on November 11, 2010 is considered a failure to engage under 1.704(c)(8). The IDS was not expressly requested by the examiner nor did the IDS include a 1.704(d) statement.

Pursuant to 37 CFR 1.704(c)(8) a period of reduction of 48 days counting the number of days in the period beginning on the day after the initial reply was filed, September 24, 2010 and ending on the date of filing of the last supplemental paper, the IDS filed November 11, 2010. Accordingly, a period of reduction of 48 days is being entered.

As it relates to the calculation of "B delay, patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 379 days based on the application having been filed under 35 U.S.C. 111(a) on November 6, 2007 and the patent not having issued as of the day after the three year date, November 6, 2010, and a request for continued examination under 132(b) having been filed on September 24, 2010. In other words, the 112-day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹.

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

- (1) Payment of the issue fee, unless a petition under § 1.313 is granted;
- (2) Abandonment of the application; or
- (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35

So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no

U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F.Supp.2d 138, 88 U.S.P.Q.2d 1538 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is

pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)². Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d).

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is

pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) (“[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned”). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include “any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b).” It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was filed on September 24, 2010, and the patent issued by virtue of that request on April 5, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on September 24, 2010 and ending on April 5, 2011 is not included in calculating Office delay.

CONCLUSION

In view of the above, the patent should have issued with a patent term adjustment of three hundred thirty-one (331) days.

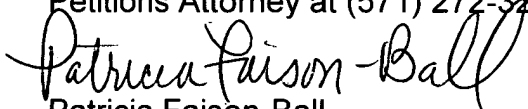
³ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred thirty-one (331) days**.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,921,111 B1

DATED : April 5, 2011

INVENTOR(S) : Greg Beddow

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (479) days

Delete the phrase "by 479 days" and insert – by 331 days--



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SEP 22 2011

OFFICE OF PETITIONS

In re Patent No. 7,921,111	:
Issued: April 5, 2011	: DECISION ON REQUEST
Application No. 11/935,991	: FOR RECONSIDERATION
Filed: November 6, 2007	: OF PATENT TERM ADJUSTMENT
Attorney Docket No. 07844-0529003 /	:
B009 C1	:

This is a decision on the RESPONSE TO DECISION ON REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION filed on July 22, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted from 331 to 443 days.

This petition is hereby **DENIED**. This decision is a final agency action within the meaning of 5 U.S.C. § 704 for purposes of seeking judicial review. See, MPEP 1002.02.

The patent term adjustment indicated in the previous decision mailed June 23, 2011 is properly indicated.

Patentee maintains that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentee contends that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentee argues that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on December 15, 2010, thereby closing examination of the application on that date. Thus, Patentee argues no continued examination took place during the 112 day period from December 15, 2010 (the mailing date of the Notice of Allowance) until April 5, 2011 (the date the patent was issued). As such, Patentee maintains that the "B delay" should include the 112 days and be increased from 331 to 443 days.

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Applicant's arguments have been considered.

The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 0 days based on the application having been filed under 35 U.S.C. 111(a) on November 6, 2007 and the patent not having issued as of the day after the three year date, November 6, 2010, and a request for continued examination under 132(b) having been filed on September 24, 2010. In other words, the 112-day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an

application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept.

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;
(2) Abandonment of the application; or
(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the

day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F.Supp.2d 138, 88 U.S.P.Q.2d 1538 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)². Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that

³ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was filed on September 24, 2010, and the patent issued by virtue of that request on April 5, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on September 24, 2010 and ending on April 5, 2011 is not included in calculating Office delay.

CONCLUSION

Accordingly, the decision on application for patent term adjustment has been reconsidered and the request for additional patent term is DENIED.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.



Anthony Knight
Director
Office of Petitions



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MAILED

FEB 15 2011

In re Application
Christian Cantrell
Application No. 11/936,004
Filed: November 6, 2007
Attorney Docket No. **07844-0879001 /**
P773

: **OFFICE OF PETITIONS**
:
: **DECISION ON APPLICATION**
: **FOR PATENT TERM ADJUSTMENT**
:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)" filed on December 14, 2010. Applicants request that the initial determination of Patent Term Adjustment for the above-identified patent be corrected from 562 days to 617 days.

The application for patent term adjustment patent is **GRANTED TO THE EXTENT INDICATED**.

The Office has updated the PALM and PAIR screen to reflect that the Patent Term Adjustment (PTA) at the time of the mailing of the Notice of Allowance is 617 days. A copy of the updated PALM screen, showing the revised determination, is enclosed.

On September 15, 2010, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) in the above-identified application, stating that the patent term adjustment to date was 562 days (562 days of Office delay and 0 days of applicant delay). This application for patent term adjustment was timely filed with or prior to payment of the issue fee.¹

Applicants assert that an adjustment for Office delay of 617 days, rather than 562 days, should be entered pursuant to 37 CFR 1.702(a) (I) for the period from fourteen months after the date the application was filed until the date the notice of allowance was mailed. Specifically, applicants argue that the Pre-Interview Communication (PIC) mailed on July 22, 2010, was not an Office action under 35 USC 132, and that the first action mailed by the USPTO was the Notice of Allowance mailed on September 15, 2010.

Applicants' argument is persuasive, to a point. In this case, applicants implicitly waived the First Action Interview Office action by submission On August 3, 2010 of the

¹ PALM records indicate that the issue fee was paid on December 14, 2010.

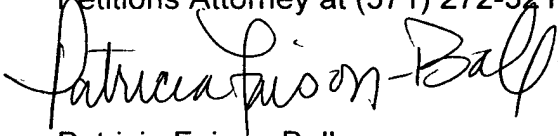
Applicant Initiated Interview Request Form (PTOL-413A), filed electronically via EFS-Web, accompanied by a proposed amendment and a request to schedule the interview on August 11, 2010, within 2 months from the filing of the request. Accordingly, the interview of August 11, 2010, is the first Office action in the application. As such, the 14 month period for Office delay stopped on August 11, 2010, and the period of adjustment for Office delay under 37 CFR 1.702(a) (i) is 582 days. The period of adjustment for Office delay of 562 days will be removed and a period of 582 days will be entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is five hundred eighty-two (582) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office of Data Management has been advised of this decision. The application is thereby forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and if applicable, for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Attachment: Copy of update PALM calculation



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 11936004 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: **11936004**

Application Filing Date	11/06/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	562
A Delays	562	PTO Manual Adjustment	20
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	582

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
69	02/11/2011		P028	Adjustment of PTA Calculation by PTO	582	0	
68	02/11/2011		P028	Adjustment of PTA Calculation by PTO		562	0
43	09/15/2010		MN/=	Mail Notice of Allowance		0	0
42	09/11/2010		IREV	Issue Revision Completed		0	0
41	09/10/2010		DVER	Document Verification		0	0
40	09/10/2010		N/=	Notice of Allowance Data Verification Completed		0	0
39	09/10/2010		EX.A	Examiner's Amendment Communication		0	0
38	09/10/2010		CNTA	Notice of Allowability		0	0
37	09/08/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	0
33	08/24/2010		EML_NTR	Email Notification		0	0
32	08/24/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	0
31	08/11/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	0
30	08/11/2010		LET	Miscellaneous Incoming Letter		0	0
29	08/09/2010		FWDX	Date Forwarded to Examiner		0	0
28	08/03/2010		RPICO	Response to PICO-Request		0	0
27	07/22/2010	01/06/2009	MPICO	Mail Pre-Interview Communication	562	-1	
26	07/19/2010		PICO	Pre-Interview Communication		0	0
21	05/24/2010		DOCK	Case Docketed to Examiner in GAU		0	0
20	11/19/2009		RFAI	Request for first action interview		0	0
18	07/30/2009		DOCK	Case Docketed to Examiner in GAU		0	0
17	05/17/2009		DOCK	Case Docketed to Examiner in GAU		0	0
15	10/06/2008		DOCK	Case Docketed to Examiner in GAU		0	0
14	10/06/2008		DOCK	Case Docketed to Examiner in GAU		0	0
13	05/03/2008		DOCK	Case Docketed to Examiner in GAU		0	0
12	03/16/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete		0	0
9	02/07/2008		OIPE	Application Dispatched from OIPE		0	0
8	12/06/2007		PGPC	Sent to Classification Contractor		0	0
7	12/06/2007		FLRCPT.O	Filing Receipt		0	0
5	11/20/2007		L194	Cleared by OIPE CSR		0	0
4	11/13/2007		SCAN	IFW Scan & PACR Auto Security Review		0	0
22	11/06/2007		IDSC	Information Disclosure Statement considered		0	0
11	11/06/2007		RCAP	Reference capture on IDS		0	0
10	11/06/2007		M844	Information Disclosure Statement (IDS) Filed		0	0
6	11/06/2007		NPRQ	PGPubs nonPub Request		0	0
2	11/06/2007		WIDS	Information Disclosure Statement (IDS) Filed		0	0
1	11/06/2007		IEXX	Initial Exam Team nn		0	0

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MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Patent No. 7,912,924 :
Issued: March 22, 2011 :
Application No. 11/936,004 : **DECISION ON APPLICATION**
Filed: November 6, 2007 : **FOR PATENT TERM ADJUSTMENT**
Attorney Docket No. **07844-0879001/** :
P773 :

This is a decision on the "RESPONSE TO DECISION ON APPLICATION FOR PATENT TERM ADJUSTMENT" filed on March 14, 2011. Applicants request that the initial determination of Patent Term Adjustment for the above-identified patent be corrected from 562 days to 617 days. Since the request is treated after issuance, the request is being treated under 37 CFR 1.705(d).

The application for patent term adjustment patent is **DISMISSED**.

Patentees are given **TWO (2) MONTHS** from the mail date of this decision to respond to this decision. No extensions of time will be granted under § 1.136.

On March 22, 2011, the above-identified application matured into U.S. Patent No. 7,912,924 with a revised patent term adjustment of 718 days. Prior to issuance, patentees timely submitted this request for reconsideration, after the dismissal of an application for patent term adjustment (with required fee), under 37 CFR 1.705(b), asserting that the correct number of days of Patent Term Adjustment is 617 days.

Patentees asserted that an adjustment for Office delay of 617 days, rather than 562 days, should be entered pursuant to 37 CFR 1.702(a)(1) for the period from fourteen months after the date the application was filed until the date the notice of allowance was mailed. Specifically, applicants argued that the Pre-Interview Communication (PIC) mailed on July 22, 2010, was not an Office action under 35 USC 132, and that the first action mailed by the USPTO was the Notice of Allowance mailed on September 15, 2010.

Patentee's argument was considered but not found to be persuasive and thus the petition was granted to the extent indicated in a decision mailed February 15, 2011.¹

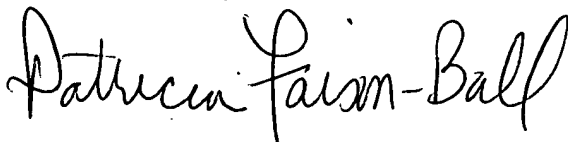
¹The 14 month period for Office delay stopped on August 11, 2010, not July 22, 2010 as indicated in the Patent Term Adjustment Calculation and noted in the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) mailed September 15, 2010. As such, the period of adjustment for Office delay of 562 days was removed and a period of 582 days was entered.

Patentees renew their argument that the mailing of a Notice of Allowance on September 15, 2010, should be entered for PTO Delay pursuant to 37 C.F.R. § 1.702(a)(1). The language of 37 C.F.R. § 1.702(a)(1) provides that failure by the Office to "[m]ail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed..." will constitute a PTO Delay to be determined pursuant to 37 C.F.R. § 1.703(a)(1), which indicates that the period of PTO Delay will be calculated as "beginning on the day after the date that is fourteen months after the date on which the application was filed..., and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever comes first." The interview on August 11, 2010, cannot be considered as the mailing of at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed, as no such notification was mailed by the Office on August 11, 2010. Applicant respectfully submits that the interview on August 11, 2010, was not an examination of the application on the merits of the case as intended by 35 U.S.C. 132, and as such, Applicant respectfully requests reconsideration of the PTA calculation.

The decision of February 15, 2011 advised that by submission on August 3, 2010 of the Applicant Initiated Interview Request Form (PTOL-413A), filed electronically via EFS-Web, accompanied by a proposed amendment and a request to schedule the interview on August 11, 2010, within 2 months from the filing of the request, the First Action Interview Office action was implicitly waived. Accordingly, the interview of August 11, 2010, is the first Office action in the application. As such, the 14 month period for Office delay stopped on August 11, 2010, and the period of adjustment for Office delay under 37 CFR 1.702(a) (i) is 582 days.

Patentee's request has been re-considered. As no new arguments have been presented, the patent term adjustment of 718 days, as indicated in the patent is properly reflected.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/20/11

TO SPE OF : ART UNIT: **2441 Attn: CHAN WING F (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/936004** Patent No.: **7912924**

CofC mailroom date: 07/15/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: **Please check Claims 1, 5, & 9**

Tasneem Siddiqui

Certificates of Correction Branch

703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Wing F. Chan/

2441

SPE

Art Unit



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**DINSMORE & SHOHL, LLP
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DAYTON OH 45402**

In re Application of	:	
Ildiko Amann-Zalan et al.	:	
Application No. 11/936,169	:	DECISION ON PETITION
Filed: November 07, 2007	:	
Attorney Docket No. 23186 US-pd/c	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 08, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 11, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. A three (3) months extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 12, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR

1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) in that the declaration filed June 08, 2010 lists Jose Miguel Rivera Otero as an inventor but his signature is missing. Therefore the declaration is unacceptable.

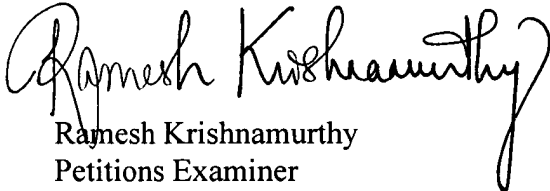
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DINSMORE & SHOHL, LLP
FIFTH THIRD CENTER
ONE SOUTH MAIN STREET
SUITE 1300
DAYTON OH 45402

MAILED
JAN 12 2011
OFFICE OF PETITIONS

In re Application of
ILDIKO AMANN-ZALAN et al.
Application No. 11/936,169
Filed: November 07, 2007
Attorney Docket No. 23186 US-pd/c

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:
:
:
:
:

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2010, to revive the above-identified application.

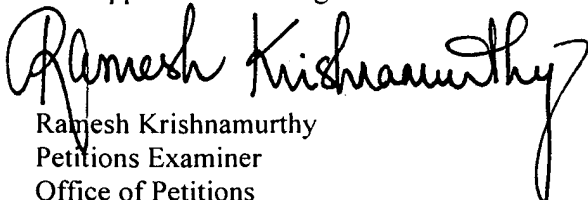
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 11, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. A three (3) months extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 12, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a corrected declaration, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of February 11, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Patent Application Processing.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAR 16 2011

OFFICE OF PETITIONS

**GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK CA 94025**

In re Application of	:	
Leo et al.	:	DECISION ON PETITION
Application No. 11/936,237	:	TO WITHDRAW
Filed: November 7, 2007	:	FROM RECORD
Attorney Docket No. PROV0002	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

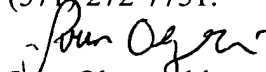
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Further, the instant application became abandoned on December 4, 2010 for failure to timely respond to the Office action mailed September 3, 2010. The Office will not decide requests to withdraw from representation as practitioner of record which are filed after the expiration date of a time period for reply or the expiration date of a time period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). As such, any renewed Request to Withdraw as Attorney will not be treated on the merits, but will only be placed in the application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.


Joan Olszewski
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jung-Fu Cheng	§	Group Art Unit:	Not Yet Assigned
		§		
Application No:	11/936242	§	Examiner:	Not Yet Assigned
		§		
Filed:	11-14-2007	§		

FOR: QPP INTERLEAVER/DE-INTERLEAVER FOR TURBO CODES

Via EFS-Web

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: December 1, 2010

Signature: /Pam Ewing/

Name: Pam Ewing

Dear Sir:

PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. § 1.102

In accordance with the U.S.P.T.O.'s "Backlog Reduction Stimulus Plan," as set forth in the Official Gazette Notices of December 22, 2009 (see 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (see 1351 Off. Gaz. Pat. Off. 202), and July 20, 2010 (see 1356 Off. Gaz. Pat. Off. 173) (collectively the "Official Gazette Notices"), Applicant submits this Petition to Make Special (this "Petition") and requests that the above-referenced application (the "Present Application") be accorded special status under 37 C.F.R. § 1.102.

As required by the *Official Gazette Notices*, the following conditions have been satisfied:

1) The Present Application is a non-provisional application that has an actual filing date earlier than October 1, 2009;

2) Applicant is the assignee of another non-provisional application, U.S. Pat. Appl. No. 11/996184 (the "Abandoned Application") that has an actual filing date earlier than October 1, 2009 and is complete under 37 C.F.R. § 1.53;

3) Applicant is currently the sole assignee of both the Present Application and the Abandoned Application and has been since before October 1, 2009;

4) On the date this Petition to Make Special was filed, Applicant also filed a Declaration of Express Abandonment Under 37 C.F.R. § 1.138 (the "Abandonment Declaration") expressly abandoning the Abandoned Application. Applicant believes the Abandonment Declaration was filed prior to the Abandoned Application being taken up for examination. Additionally, in accordance with the *Office Gazette Notices*, the Abandonment Declaration included:

a) A statement that Applicant has not and will not file an application that claims the benefit of the filing date of the Abandoned Application under any provision of Title 35 of the U.S.C.;

b) A statement that Applicant agrees not to, in the future, request a refund of any fees paid in the Abandoned Application; and

c) A statement that Applicant has not and will not file a new application claiming the same inventions as is currently claimed in the Abandoned Application; and

5) Applicant now files this Petition under 37 C.F.R. § 1.102 in the Present Application. As part of this Petition, Applicant respectfully notes that:

a) The basis under which special status is being sought is the express abandonment of another copending application pursuant to the Backlog Reduction Stimulus Plan established by the *Official Gazette Notices* conditioned on the granting of this Petition;

b) A copy of the Abandonment Declaration is submitted herewith;

c) The Present Application and the Abandoned Application have both been owned by Telefonaktiebolaget LM Ericsson, as sole assignee, since prior to *Official Gazette Notices* before October 1, 2009, which qualifies the Present Application for special status pursuant to the Backlog Reduction Stimulus Plan;

d) As indicated above, the Abandoned Application was assigned the application number, U.S. Pat. Appl. No. 11/996184;

e) Applicant has not filed petitions requesting special status under the Backlog Reduction Stimulus Plan in more than fourteen (14) other applications; and

f) Applicant agrees to make an election without traverse via a telephone interview if the U.S.P.T.O. deems the claims of the Present Application to be directed to two or more independent and distinct inventions.

Applicant respectfully notes that, pursuant to the *Official Gazette Notices*, the fee requirement for petitions to make special under 37 C.F.R. § 1.102 is waived, and Applicant believes no further fees are necessary at this time. However, the Commissioner is hereby authorized to deduct any necessary fees from, or to credit any overcharges to, Deposit Account No. 50-1379.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gabor Fodor et. al.	§	Group Art Unit:	Not Yet Assigned
		§		
Application No:	11/996184	§	Examiner:	Not Yet Assigned
		§		
Filed:	10-15-2008	§		

For: METHOD AND APPARATUS FOR BROADCASTING PUSH-TO-TALK GROUP SESSIONS

Via EFS-Web

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: December 1, 2010

Signature: /Pam Ewing/

Name: Pam Ewing

Dear Sir:

**DECLARATION OF EXPRESS
ABANDONMENT UNDER 37 C.F.R. § 1.138**

For the purpose of participating in the U.S.P.T.O.'s Backlog Reduction Stimulus Plan set forth in the Official Gazette Notices of December 22, 2009 (see 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (see 1351 Off. Gaz. Pat. Off. 202), and July 20, 2010 (see 1356 Off. Gaz. Pat. Off. 173) (collectively, the "Official Gazette Notices"), Ericsson Inc. ("Applicant"), as sole assignee of the relevant patent, expressly abandons U.S. Pat. Appl. No. 11/996,184 (the "Abandoned Application") under 37 C.F.R. § 1.138. To the extent permissible under the Backlog Reduction Stimulus Plan, Applicant conditions this abandonment of the Abandoned Application on the U.S.P.T.O. granting the Petition to

Make Special Under 37 C.F.R. § 1.102 filed concurrently with this Declaration in U.S. Pat. Appl. No. 11/936,242.

Additionally, in accordance with the requirements of the *Office Gazette Notices*, Applicant has not filed and will not file any other application claiming the same invention presently claimed by the Abandoned Application. Applicant also has not filed and will not file another application claiming the benefit of the Abandoned Application's filing date under any provision of Title 35 of the U.S.C. Moreover, Applicant agrees not to, in the future, request refund of any fees paid on the Abandoned Application.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

Electronic Acknowledgement Receipt	
EFS ID:	8939974
Application Number:	11996184
International Application Number:	
Confirmation Number:	4564
Title of Invention:	METHOD AND APPARATUS FOR BROADCASTING PUSH-TO-TALK GROUP SESSIONS
First Named Inventor/Applicant Name:	Gabor Fodor
Customer Number:	27045
Filer:	Steven Ware Smith/Pamela Ewing
Filer Authorized By:	Steven Ware Smith
Attorney Docket Number:	P19705-US1
Receipt Date:	01-DEC-2010
Filing Date:	15-OCT-2008
Time Stamp:	10:01:47
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	P19705-US1_2010-12_01_10-6571_Request_for_Abandonment.pdf	24834 9330c89a2c5cb8b5611c86b443933450214dfd7e	no	2

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

MAILED
JAN 24 2011
OFFICE OF PETITIONS

In re Application of	:	
CHENG	:	DECISION ON PETITION
Application No. 11/936,242	:	TO MAKE SPECIAL
Filed: November 7, 2007	:	37 CFR 1.102
Attorney Docket No. P23084-US2	:	

This is a decision on the petition under 37 CFR 1.102, filed December 1, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

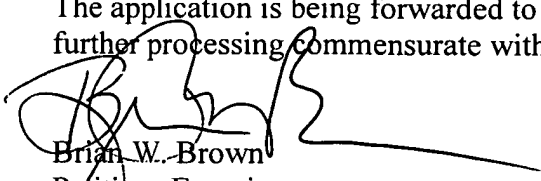
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.



Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NEXSEN PRUET, LLC
P.O. BOX 10648
GREENVILLE SC 29603

MAILED
OCT 12 2011
OFFICE OF PETITIONS

In re Application of
Poltorak et al.
Application No. 11/936,265
Filed: November 7, 2007
Attorney Docket No. 31433-224

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee of \$1860.00, and (3) a proper statement of unintentional delay.

USPTO fees were increased as of September 26, 2011. The issue fee increased from \$1510.00 to \$1740.00 and the petition fee increased from \$1620.00 to \$1860.00. Including the \$300.00 publication fee, a total of \$3900.00 was charged to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CICHOSZ & CICHOSZ, PLLC
129 E. COMMERCE
MILFORD MI 48381

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of :
Alan G. Holmes :
Application No. 11/936,271 : **DECISION GRANTING PETITION**
Filed: November 7, 2007 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. GP-307822/PTH/CD :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 28, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 22, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3729 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of :
Belalcazar et al. :
Application No. 11/936,357 : ON APPLICATION FOR
Filed: November 7, 2007 : PATENT TERM ADJUSTMENT
Attorney Docket No. 09531- :
131002 / Z03026 :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b), filed January 20, 2012. Applicants submit that the patent term adjustment to be indicated on the patent is two hundred sixty-four (264) days, not ninety (90) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

The application for patent term adjustment is **DISMISSED**.

On October 24, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 90 days. Applicants argue a 174 day adjustment should be entered, pursuant to 37 CFR 1.702(a)(2), for the delay in fully replying to their April 5, 2010 response to an Office action.

On April 5, 2010 applicants filed a reply to a non-final Office action. On July 22, 2010, the Office mailed a final Office action. On January 26, 2011, the Office mailed a non-final Office action in which the examiner stated he withdrew the finality of the July 22, 2010 Office action.

Applicants argue the July 22, 2010 Office action should be ignored and the January 26, 2011 Office action be considered the response to applicants' April 5, 2010 reply.

Pursuant to 37 CFR 1.703(a)(2), the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under 1.111 was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first.

Applicants argue the calculation should begin on August 6, 2010, the date that is 4 months after applicants' reply was filed, and end on January 26, 2011, the date the Office mailed the second Office action in response. Applicants state this calculation yields 174 days.

Applicants in essence argue that the January 26, 2011 Office action "vacated" the Office action of July 22, 2010, and as such the Office action of July 22, 2010 should be treated as not having been issued for purposes of determining whether the issuance of the patent was delayed due to the failure of the USPTO to take action within 4 months of the date of applicants' filing a reply under 1.111. Applicants' argument has been considered but is not persuasive.

The vacatur of an Office action sets aside or withdraws any rejection, objection or requirement in an Office action, as well as the requirement that the applicant timely reply to the Office action to avoid abandonment under 35 U.S.C. § 133. The vacatur of an Office action signifies that the Office action has been set aside, voided, or withdrawn as of the date of the vacating Office action or notice. The vacatur of an Office action, however, does **not** signify that the vacated Office action is void *ab initio* and is to be treated as if the USPTO had never issued the Office action. The patent examination process provided for in 35 U.S.C. §§ 131 and 132 contemplates that Office actions containing rejections, objections or requirements will be issued, and that the applicant will respond to these Office action, "with or without amendment." (35 U.S.C. § 132(a)). The mere fact that an examiner or other USPTO employee upon further reflection determines that an Office action, or that a rejection, objection or requirement in an Office action, is not correct and must be removed does not warrant treating the Office action as void *ab initio* and as if the USPTO had never issued the Office action.

The USPTO appreciates that there may be situations in which it is appropriate to treat an Office action or notice issued in an application as void *ab initio* and as if the USPTO had never

issued the Office action. However, these would be extremely rare situations, such as the issuance of an Office action or notice by an employee who does not have the authority to issue that type of Office action or notice, the issuance of an Office action or notice in the wrong application, or the issuance of an Office action or notice containing language not appropriate for inclusion in an official document. In essence, the situations in which it is appropriate to treat an Office action or notice issued in an application as void *ab initio* and as if the USPTO had never issued the Office action are the situations in which it is appropriate to expunge an Office action or notice from the USPTO's record of the application. That is simply **not** the case in this situation.

Applicants are entitled to day-to-day adjustment if the USPTO delays the issuance of a patent by failing to mail either an action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151, whichever occurs first, within 4 months of applicants filing a reply under 1.111. The record of the above-identified application indisputably indicates that the USPTO mailed a final Office action on July 22, 2010, within four months of the filing of applicants' April 5, 2010 reply. The fact that the Office later set aside the final Office action of July 22, 2010 does not negate the fact that a final Office action was mailed on July 22, 2010. Unless expunged from the record (which is not warranted in this situation), for purposes of calculating patent term adjustment, the Office action entered by the examiner on July 22, 2010, was properly used to determine whether the USPTO delayed the issuance of the above-identified patent by failing to mail either an action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151, whichever occurs first, within four months of the filing of applicants' reply under 1.111, per 37 CFR 1.702(a)(2). *See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term*, 65 Fed. Reg. 54366 (Sept. 18, 2000) (final rule).

The Office properly entered 0 days of patent term adjustment in connection with the mailing the final Office action on July 22, 2010 and the subsequent mailing of a non-final Office action on January 26, 2011, and no changes to the patent term calculation will be made.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance remains 90 days (271 - 181).

The Office acknowledges receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "Shirene Willis Brantley".

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3-16-12

TO SPE OF : ART UNIT 3716

SUBJECT : Request for Certificate of Correction for Appl. No.: 11936364 Patent No.: 8096877

CofC mailroom date: 2-28-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-E
Palm Location 7580

Note:

Omega Lewis

703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.


☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____



SPE

3716

Art Unit

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

Attorney Docket
Number: **SNDK.345US1**

Application
Number: **11/936,440**

Filing Date
(or 371(b) or (f) Date): **November 7, 2007**

Patent Number: **7,669,004**

Issue Date: **February 23, 2010**

First Named
Inventor: **Jason T. Lin**

Title: **Flash Storage System with Write-Erase Abort Detection Mechanism**

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature

Date **August 20, 2010**

Name
(Print/Typed) **Michael G. Cleveland**

Registration Number **46,030**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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www.uspto.gov

DAVIS WRIGHT TREMAINE LLP - SANDISK CORPORATION
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO, CA 94111

Mail Date: 08/26/2010

Applicant	: Jason Lin	: DECISION ON REQUEST FOR
Patent Number	: 7669004	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/936,440	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/07/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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JOHN S. BEULICK (24691)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis MO 63105

MAILED
MAY 12 2011
OFFICE OF PETITIONS

In re Application of :
Rodolfo A. Santiago, et al. :
Application No. 11/936,558 : DECISION GRANTING PETITION
Filed: November 7, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07-0575 (24691-154) :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, May 10, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 6, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2471 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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ABBOTT MEDICAL OPTICS, INC.
1700 E. ST. ANDREW PLACE
SANTA ANA CA 92705

MAILED

OCT 17 2011

In re Application of
Raksi et al.
Application No 11/936,635
Filed: November 7, 2007
Attorney Docket No. IL0078A

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 29, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is December 30, 2010. A Notice of Abandonment was mailed on August 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$930.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1860.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3769 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Charlema Grant
Petitions Attorney
Office of Petitions



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GREENBERG TRAURIG (BOS)
ONE INTERNATIONAL PLACE, 20th FL
ATTN: PATENT ADMINISTRATOR
BOSTON, MA 02110

MAILED

NOV 14 2011

OFFICE OF PETITIONS

In re Application of :
John W. Babich, et al. :
Application No. 11/936,659 :
Filed: November 7, 2007 :
Attorney Docket No.: 123101-011000 :

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(3), filed November 11, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the application be withdrawn from issue for express abandonment in favor of a continuing application under 37 CFR 1.153(b) filed November 11, 2011.

Accordingly, the above-identified application is withdrawn from issue in favor of Application No. 13/294,677, and the abandonment is hereby recognized.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

DEC 20 2010

In re Application of	:	OFFICE OF PETITIONS
Joel Margulies et al.	:	
Application No. 11/936,696	:	DECISION ON PETITION
Filed: November 7, 2007	:	
Attorney Docket No. 8784P002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed March 8, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 1611 for appropriate action by the Examiner in the normal course of business on the reply received.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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Paper No.

MORGAN LEWIS &
BOCKIUS LLP (WA)
KAREN CATALANO
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of :
Luis Jordan : DECISION ON PETITION
Application No. 11/936,784 :
Filed: November 7, 2007 :
Atty Docket No. 101249-5015-US:

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed April 21, 2011.

The petition is **GRANTED**.

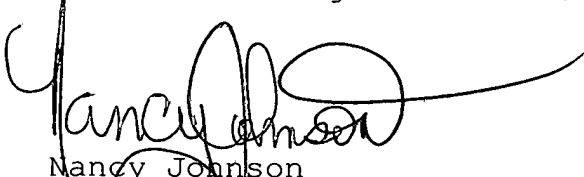
On August 27, 2010, a non-final Office action was mailed in the above-identified application. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply was filed and no extension of time was obtained. Accordingly, the application became abandoned effective November 28, 2010. A courtesy Notice of Abandonment was mailed on March 30, 2011.

The petition includes the required reply in the form of an amendment, the required statement of unintentional delay; and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

All requirements of 37 CFR 1.137(b) have been met.

Technology Center AU 2611 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on April 21, 2011.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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NOV 17 2010

OFFICE OF PETITIONS

MALCOLM ARMSTRONG
25 VANIER DR.
BROCKVILLE ON K6V-3J6 CA CANADA

In re Application of
Malcolm Clare Charles Armstrong
Application No.: 11/936,789
Filed: November 8, 2007
Attorney Docket No.: None

ON PETITION

This is a decision in response to the petition, filed September 9, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

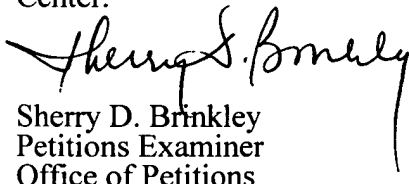
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 7, 2009. A Notice of Abandonment was mailed on April 23, 2010. On September 9, 2010, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply in the form of an amendment; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3743 for appropriate action by the Examiner in the normal course of business on the response filed February 12, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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DWW Dec-10

IBM CORPORATION, INTELLECTUAL PROPERTY LAW
DEPT 917, BLDG. 006-1
3605 HIGHWAY 52 NORTH
ROCHESTER MN 55901-7829

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Cradick et al. :
Application Number: 11/936844 : ON PETITION
Filing Date: 11/08/2007 :
Attorney Docket Number: :
ROC920070295US1 :

This is a decision in reference to the PETITION TO WITHDRAW
HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION,
filed on October 21, 2010.

The petition is granted.

This application was held abandoned on June 3, 2010, for failure
to timely respond to the non-final Office action mailed on March
2, 2010, which set a three (3)-month statutory period for reply.
No reply having been received, Notice of Abandonment was mailed
on October 12, 2010.

Petitioners' registered patent practitioner, Matthew Zehrer,
submits that the Office Action dated March 2, 2010, was not
received at the correspondence address of record and attests to
the fact that a search of the file jacket, the application
contents and the docket records indicates that the Office Action
was not received. A copy of the master docket report and matter
docket report have been supplied with the petition.

Petitioners have made a sufficient showing that the non-final
Office action mailed on March 2, 2010, was not received.

Accordingly, there was no abandonment in fact. The Notice of
Abandonment is hereby vacated and the holding of abandonment
withdrawn.

The petition to withdraw the holding of abandonment is GRANTED.

The application is being referred to Technology Center Art Unit
3684 for remailing of the non-final Office action mailed on March

Application No. 11/936,844

2

2, 2010. The period for reply will be reset from the mailing date thereof.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the typed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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QISDA CORPORATION
157 SHAN-YING ROAD, GUEISHAN
TAOYUAN 333 TW TAIWAN

MAILED

OCT 18 2010

In re Application of	:	OFFICE OF PETITIONS
Han-Kuang HO	:	
Application No. 11/936,848	:	DECISION ON PETITION
Filed: November 8, 2007	:	
Attorney Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed March 9, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on June 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

The Examiner assigned to this application has approved the replacement drawings filed with the petition on August 16, 2010.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/DG/

Diane Goodwyn
Petitions Examiner
Office of Petitions

Cc: DANIEL R. MCCLURE
600 GALLERIA PKWY., SUITE 1500
ATLANTA, GA 30339



UNITED STATES PATENT AND TRADEMARK OFFICE

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DAVID T. BRACKEN
THE LAW OFFICE OF DAVID T. BRACKEN
4839 EAST BOND AVENUE
ORANGE CA 92869

MAILED

AUG 31 2010

OFFICE OF PETITIONS

In re Application of :
Shigeyuki Nakamichi :
Application No. 11/936,958 : **DECISION ON PETITION**
Filed: November 8, 2007 :
Attorney Docket No. 0607.2O2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment, mailed December 8, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions



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PATTERSON, THUENTE,
CHRISTENSEN & PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Patent No. 7,813,840 :
Issue Date: October 12, 2010 :
Application No. 11/936,983 : **DECISION ON PETITION**
Filed: November 8, 2007 :
Attorney Docket No. 2842.66US01 :

This is a decision on the Request To Correct Assignee Under 37 CFR 3.81(b) and Request For Certificate Of Correction, filed February 24, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's address (city/state, country). A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct assignee's address (city/state, country) on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to correct assignee's address (city/state, country) to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

The requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), has been submitted. However, the requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), is required. Therefore, since the petition was accompanied deposit account authorization, the fee has been charged. Further, Office assignment records are consistent with

U.S. Patent No. 7,813,840
Application No. 11/936,983
Decision on Petition under 37 CFR §3.81(b)

Page 2

the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,813,840.

A handwritten signature in cursive script, reading "Cheryl Gibson-Baylor".

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK NY 10038

MAILED

MAR 06 2012

OFFICE OF PETITIONS

In re Application of
James Cornwell
Application No. 11/937,119
Filed: November 8, 2007
Attorney Docket No. 002561/0008

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed February 29, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Brian M. Rothery on behalf of all attorneys/agents associated with customer number 26610. All attorneys/agents associated with customer number 26610 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Kaonetics Technologies, Inc.
c/o First Capital Business Development LLC
16293 East Dorado Place
Centennial, CO 80015



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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/937,119	11/08/2007	James Cornwell	002561/0008

26610
STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK, NY 10038

CONFIRMATION NO. 1085
POWER OF ATTORNEY NOTICE



OC000000052920282

Date Mailed: 03/02/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/29/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN, CT 06840

MAILED

NOV 16 2011

In re Application of
John R. Mangiardi, et al.
Application No. 11/937,136
Filed: November 8, 2007
Attorney Docket No. 005.003

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 24, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

Petitioner should note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, since the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office, the request cannot be granted at the present time.

All future communications from the Office will continue to be directed to the address of record until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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Gibson & Dernier LLP
900 Route 9 North
Suite 504
Woodbridge, NJ 07095

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of
Robert M. Freund
Application No. 11/937,187
Filed: November 8, 2007
Attorney Docket No. 739-3X4

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DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 30, 2011 and resubmitted on May 5, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Matthew B. Dernier on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed December 13, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **LIPOSE CORPORATION**
c/o Regulus International Capital
Mr. Lee Miller
67 Holly Hill Lane
Greenwich, CT 06830



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/937,187	11/08/2007	Robert M. Freund	739-3X4

CONFIRMATION NO. 1224

POWER OF ATTORNEY NOTICE



Date Mailed: 05/09/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/30/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Bengry et al.	:	
Application No.: 11/937238	:	DECISION ON
Filing or 371(c) Date: 11/08/2007	:	PETITION
Attorney Docket Number: RBI-180B	:	

This is a decision in response to the renewed petition to withdraw holding of abandonment, filed August 24, 2010. The renewed petition is properly treated under 37 CFR 1.181.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, and Notice of Allowability, both mailed November 16, 2009. The Notice set a nonextendable three (3) month period for reply. No reply having been received, the application became abandoned on February 17, 2010. A Notice of Abandonment was mailed March 2, 2010.

Applicant filed a petition to withdraw holding of abandonment on March 25, 2010, along with a statement from the practitioner that the Notice of Allowance and Issue Fee Due was not received, and that a search of the file jacket for this application and docket records indicates that the Notice of Allowance was not received. Applicant provided a copy of the data sheet from the cover of the file wrapper for the present application.

The petition was dismissed in a Decision on petition mailed June 24, 2010. The Decision dismissing the petition noted that the Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. In addition, a copy of the

practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for *a date* three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. (Emphasis supplied).

The present renewed petition

Applicant files the present renewed petition and asserts that it would be a violation of Ohio ethical rules to provide this Office with a complete copy of this version of the master docket – the version containing over 4300 entries related to filings and due dates for other clients of WH&E. Petitioner does, however, include a copy of “selected, redacted pages of the WH&E master docket for January 4, 2010.” Petition at p.4. Petitioner provides further that “[o]n these pages, the due dates for the patent items listed have not been redacted. This enables the reader to see all patent items listed on the WH&E master docket as of January 4, 2010, which had a due date of February 16, 2010.” Id.

Petitioner explains that the Notice of Allowance showed a due date of February 16, 2010; that Petitioner, Thomas J. Burger and Michael H. Schenker are listed as attorney (or agents) of record for the present application, and that the due date for paying the issue fee for the present application would have been listed on the WH&E master docket for Thomas J. Burger on page 380, and while page 380 shows two entries that had a due date of February 16, 2010, neither of those entries relate to this file.

Petitioner provides further that the Notice of Allowance would have appeared on page 302, under the name of Michael H. Schenker, but on page 302 there is no entry indicating a due date of February 16, 2010. Moreover, petitioner provides, petitioner has reviewed all of the above-identified pages, for all items showing a due date of February 16, 2010, and none of the items relate to this file.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the

practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied).

Initially it is noted that a complete copy of the master docket is not required, only a copy of the master docket showing all replies docketed for a date three months from the mail date of the nonreceived Office action. In this instance, the Notice of Allowance was mailed on November 16, 2009. As such, the Office requires a copy of the master docket showing all replies docketed for February 16, 2010.

In addition, a review of the copy of the selected pages reveals that petitioner has provided copies of the master docket that lists attorney names and due dates. There are several attorneys with due dates of February 16, 2010; however, because no application information (application number or attorney docket number) have been provided, it is not possible to determine from the selected, redacted pages of the master docket filed as evidence to support non-receipt of the Notice of Allowance, whether the Notice of Allowance was inadvertently entered and docketed to an attorney other than Thomas J. Burger and/or Michael H. Schenker. For instance, Attorney David A. Fitzgerald has an entry docketed for February 16, 2010; however, there is no way of verifying that this entry is accurate because there is no information provided in the copy of the master docket that would allow this Office to determine whether the application, listing David A. Fitzgerald (page 43 of 476), contains an Office action with a due date of February 16, 2010. The master docket contains myriad attorneys listed with due dates of February 16, 2010 (i.e., Kurt A. Summe page 50 of 476); Thomas A. Flynn and David H. Brinkman (page 63 of 476), Kevin G. Rooney and William R. Allen (page 455 of 476)...), however, the information provided in the copy of the master docket does not allow this Office to determine whether the application listing David A. Fitzgerald, or Kurt A. Summe, Thomas A. Flynn and David H. Brinkman or Kevin G. Rooney and William R. Allen, contains an Office action with a due date of February 16, 2010, such that no error occurred in entering the Notice of Allowance for the present application.

Analysis/conclusion

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary copies of the master docket record and including information thereon that would allow this Office to determine from the the master docket whether the Notice of Allowance was inadvertently entered and docketed for reply on February 16, 2010, to an attorney other than Thomas J. Burger and/or Michael H. Schenker.

Alternate venue

Applicant is also advised of the option to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in was “unavoidable.” An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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Commissioner for Patents
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P.O. Box 1450
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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

MAILED

JAN 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Bengry et al.	:	
Application No.: 11/937238	:	DECISION ON
Filing or 371(c) Date: 11/08/2007	:	PETITION
Attorney Docket Number: RBI-180B	:	

This is a decision in response to the "Request for Reconsideration of Petition to Withdraw Holding of Abandonment," filed October 25, 2010. The renewed petition is properly treated under 37 CFR 1.181.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, and Notice of Allowability, both mailed November 16, 2009. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on February 17, 2010. A Notice of Abandonment was mailed March 2, 2010.

With the present renewed petition, Applicant has demonstrated non-receipt of the Notices by a preponderance of the evidence:

In view of the foregoing, the petition is **granted**. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due. The issue and publication fees were filed January 5, 2011.

The application will be referred to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of
H. Stewart Cobb, et al.
Application No. 11/937,247
Filed: November 8, 2007
Attorney Docket No. 12342-54

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**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 30, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Brinks, Hofer, Gilson & Lione has been revoked by the assignee of the patent application on December 22, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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MAILED

SEP 19 2011

Paper No.

OFFICE OF PETITIONS

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

In re Application of :
Cobb et al. :
Application No. 11/937,247 : DECISION ON PETITION
Filed: November 8, 2007 : PURSUANT TO
Attorney Docket No. 12342-54 : 37 C.F.R. § 1.137(B)
Title: REBROADCASTING METHOD :
AND SYSTEM FOR NAVIGATION :
SIGNALS :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed August 24, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed December 6, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 7, 2011. A notice of abandonment was mailed on June 24, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition

pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on August 24, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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JAN 04 2012

In re Application of	:	
Stephen C. Edberg	:	NOTICE OF WITHDRAWAL
Serial No. 11/937400	:	FROM ISSUE
Filed: November 8, 2007	:	UNDER 37 CFR 1.313(b)
For: JAK2 MUTATIONS	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn from issue in order for the examiner to place appropriate art rejections on the record. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action.

George C. Elliott, Director
Technology Center 1600

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11/937,400	08 November, 2007	ALBITAR, MAHER	054769-2310

FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278		EXAMINER	
		ART UNIT	PAPER
			20120104

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/937405	11/08/07	Kazuo Okada	SHO.015.0021.NP

DATE MAILED: October 04, 2011

NDQ&M WATCHSTONE LLP
300 NEW JERSEY AVENUE, NW
FIFTH FLOOR
WASHINGTON DC 20001

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☒ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the request was filed after the 2 month time period. A grantable petition under 37 CFR 1.183 must be filed to waive the 2 month time period.

Any inquiries concerning this decision should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management



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Williams Mullen
222 Central Park Avenue
Suite 1700
Virginia Beach VA 23462

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of
Chaney et al.
Application No. 11/937,434
Filed: November 8, 2007
Attorney Docket No. 052677.0613

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed March 4, 2011, supplemented March 30, 2011 in the above-identified application.

The petition is **dismissed** as inappropriate.

This above-identified application was held abandoned for failure to timely file a reply to the Pre-Interview Communication mailed August 30, 2010. The Office Action set a one (1) month or thirty day period for reply. A Notice of Abandonment was mailed December 6, 2010.

A review of the record shows that a Request For First Action Interview (Enhanced Pilot Program) was filed on December 22, 2009. As such under the Enhanced First Action Interview Pilot Program applicant should have been provided with a one month or 30 day response period which could have been extended by one month. Further the failure to respond to the Pre-Interview Communication under the Enhanced First Action Interview Pilot Program does not result in the abandonment of the application. Instead a first interview action similar to waving the interview should have been issued. See 1347 OG 173 and Enhanced First Action Interview Notice on the First Action Interview on the USPTO website.

It is noted that applicant has presented a request not to have the first-action interview, which under the Enhanced Pilot Program is one of the eligible responses. However this response cannot place the application in the normal queue of examination. Once a Pre-interview Communication is issued, withdrawal from the program is not permitted.

The petition fee will be refunded.

In view of the above, the Notice of Abandonment is hereby **vacated** and the holding of abandonment **withdrawn**.

This application is being referred to art unit 2156 for issuance of the First Action Interview Office Action without an interview. The period for reply will run from the mailing date of the First Action Interview Office Action.

A handwritten signature in black ink, appearing to read "Charlema Grant", with a stylized flourish at the end.

Charlema Grant
Petitions Attorney
Office of Petitions



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MAILED

NOV 12 2010

OFFICE OF PETITIONS

**QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121**

In re Application of
Samir S. Soliman
Application No. 11/937,454
Filed: November 8, 2007
Attorney Docket No. 020407C1

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 30, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue and publication fees on or before September 10, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 10, 2010, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on September 11, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks item (1), the required reply. Petitioner did not submit the issue fee of \$1,510 and publication fee of \$300 as required by the Notice of Allowance and Fee(s) Due, mailed June 10, 2010. While the Office recognizes that the petitioner submitted a Request for Continued Examination (RCE) with the present petition, the RCE cannot be accepted. Petitioner's attention is directed to 35 U.S.C. 41(a)(7) and 151 which requires payment of the issue fee as a condition of reviving an application abandoned for failure to pay the issue fee. Therefore, the filing of a RCE without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned for failure to pay the issue fee or any portion thereof.

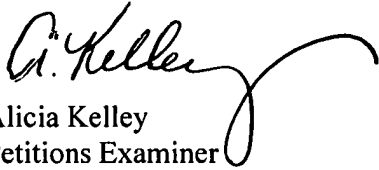
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By Facsimile: **(571) 273-8300**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

A handwritten signature in black ink, appearing to read 'A. Kelley', with a long, sweeping horizontal stroke extending to the right.

Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Samir S. Soliman	:	
Application No. 11/937,454	:	ON PETITION
Filed: November 8, 2007	:	
Attorney Docket No. 020407C1	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before September 10, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 10, 2010, which set a statutory period of reply of three (3) months. Accordingly, the application became abandoned on September 11, 2010. A Notice of Abandonment was mailed September 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form issue fee of \$1,510, publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely submit the issue and publication fees as required by the Notice of Allowance and Fee(s) Due is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center AU 2617 for processing and appropriate action by the Examiner in the normal course of business of the Request for Continued Examination (RCE) filed September 30, 2010.

Alicia Kelley-Coffier
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY., SUITE 2110
AUSTIN, TX 78759

MAILED

JUN 17 2011

In re Application of	:	OFFICE OF PETITIONS
Ronald E. HUNT, et al.	:	
Application No. 11/937,604	:	DECISION ON PETITION TO
Filed: November 9, 2007	:	WITHDRAW FROM RECORD
Attorney Docket No. 0205AD.050004	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 15, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Andrew J. Dillon on behalf of all attorneys of record. Andrew J. Dillon has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY., SUITE 2110
AUSTIN, TX 78759

MAILED

JUN 17 2011

OFFICE OF PETITIONS

In re Application of

Ronald E. HUNT, et al.

Application No. 11/937,607

Filed: November 9, 2007

Attorney Docket No. **0205AD.050005**

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 15, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Andrew J. Dillon on behalf of all attorneys of record. Andrew J. Dillon has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

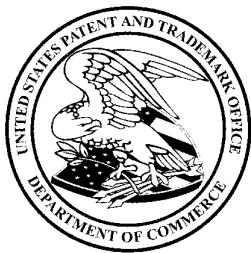
Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11937613	
Filing Date	09-Nov-2007	
First Named Inventor	James Woodring	
Art Unit	2444	
Examiner Name	JOIYA CLOUD	
Attorney Docket Number	9972.21318	
Title	INTERNET APPLIANCE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 26308		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Relations Systems, Inc.	
Address	1099 Quail Court Suite 105	
City	Pewaukee	
State	WI	
Postal Code	53072	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Garet K. Galster/
Name	Garet K. Galster
Registration Number	59643



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 25,2011

In re Application of :

James Woodring

Application No : 11937613

Filed : 09-Nov-2007

Attorney Docket No : 9972.21318

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 25,2011

The request is **APPROVED**.

The request was signed by Gareth K. Galster (registration no. 59643) on behalf of all attorneys/agents associated with Customer Number 26308 . All attorneys/agents associated with Customer Number 26308 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Relations Systems, Inc.

Name2

Address 1 1099 Quail Court

Address 2 Suite 105

City Pewaukee

State WI

Postal Code 53072

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : May 3, 2009

TO SPE OF : ART UNIT 2122

SUBJECT : Request for Certificate of Correction for Appl. No.: 11937767 Patent No.: 7894924

CofC mailroom date: April 26,
2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Kakali Chaki/

SPE RESPONSE FOR CERTIFICATE OF CORRECTION
SPE Art Unit 2122



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

NOV 15 2010
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
MORRIS, ROBERT P. :
Application No. 11/937,813 :
Filed: November 9, 2007 :
For: **METHODS, SYSTEMS, AND COMPUTER** :
PROGRAM PRODUCTS FOR :
CONTROLLING DATA TRANSMISSION :
BASED ON POWER COST

DECISION ON REQUEST

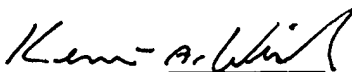
This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on July 16, 2010.

The petition is **GRANTED**.

Pursuant to applicant's request filed on July 16, 2010, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Ken Wieder whose telephone number is (571) 272-2986.


Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAIL

MAR 15 2011

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

In re Application of
MORRIS, ROBERT P. :
Application No. 11/937,813 :
Filed: November 9, 2007 :
For: **METHODS, SYSTEMS, AND COMPUTER** :
PROGRAM PRODUCTS FOR :
CONTROLLING DATA TRANSMISSION :
BASED ON POWER COST

DECISION ON REQUEST

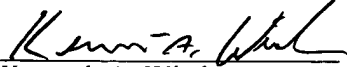
This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on February 25, 2011.

The petition is **GRANTED**.

Pursuant to applicant's request filed on February 25, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to Ken Wieder whose telephone number is (571) 272-2986.


Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



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MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of :
James F. Stafford :
Application No. 11/937,826 : **DECISION ON PETITION**
Filed: November 9, 2007 :
Attorney Docket No. 101249-5016 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 16, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 17, 2010. A Notice of Abandonment was mailed on April 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Application No. 11/937,826

Page 2

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2611 for appropriate action by the Examiner in the normal course of business on the reply received May 13, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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MINTZ, LEVIN, CHON, FERRIS, GLOVSKY AND POPEO P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

JAN 18 2011

In re Application of
Dean I. Sproles et al.
Application No. 11/937,896
Filed: November 9, 2007
Attorney Docket No. 78372/2010

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 30, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 30623 has been revoked by the applicants of the patent application on January 7, 2011. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: **STOEL RIVES LLP - SLC**
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111



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STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of
Dean I. Sproles et al.
Application No. 11/937,896
Filed: November 9, 2007
Attorney Docket No. **78372/2010**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 3, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Samuel E. Webb on behalf of all attorneys of record who are associated with Customer Number 32642.

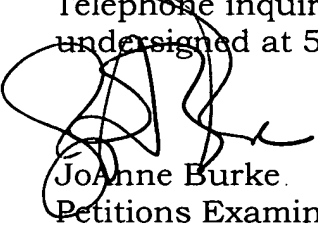
All attorneys/agents associated with Customer Number 32642 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

There is an outstanding Office action mailed April 19, 2011, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Iverson Genetic Diagnostics, Inc.
c/o Dean Sproles
19805 North Creek Parkway, Suite 200
Bothell, WA 98011



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/937,896	11/09/2007	Dean I. Sproles	78372/2010

32642
STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

CONFIRMATION NO. 2699
POWER OF ATTORNEY NOTICE



OC000000047671772

Date Mailed: 05/16/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/03/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111**

MAILED

FEB 22 2011

In re Application of

SPROLES

Application No. 11/938,029

Filed: November 9, 2007

Attorney Docket No. 38044-504F01US

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 30, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Cynthia Kozakiewicz and the attorneys associated with Customer No. 30623, has been revoked by the assignee of the patent application on January 7, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: **IVERSON GENETIC DIAGNOSTICS, INC.,
C/O DEAN IVERSON SPROLES
19805 NORTH CREEK PARKWAY,
SUITE 200
BOTHELL WA 98011**



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STOEL RIVES LLP -SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of	:	
SPROLES	:	
Application No. 11/938,029	:	DECISION ON PETITION
Filed: November 9, 2007	:	TO WITHDRAW
Attorney Docket No. 78372/3020	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 3, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Samuel E. Webb on behalf of the attorneys of record associated with Customer No. 32642.

The attorneys of record associated with Customer No. 32642 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: IVERSON GENETIC DIAGNOSTICS, INC.,
C/O DEAN SPROLES
19805 NORTH CREEK PARKWAY,
SUITE 200
BOTHELL WA 98011



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/938,029	11/09/2007	Dean Iverson Sproles	78372/3020

CONFIRMATION NO. 3021

POWER OF ATTORNEY NOTICE



OC000000047976593

32642
STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

Date Mailed: 06/01/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/03/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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LOEB & LOEB, LLP
321 NORTH CLARK
SUITE 2300
CHICAGO IL 60654-4746

MAILED
AUG 30 2011
OFFICE OF PETITIONS

In re Application of
Camillo Ricordi, et al.
Application No. 11/938,057
Filed: November 9, 2007
Attorney Docket No. 213423-30002

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 16, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

A handwritten signature in black ink, appearing to read "Terri Johnson". The signature is fluid and cursive, with the first name "Terri" and last name "Johnson" clearly distinguishable.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MR. STEPHEN SANDERS**
1921 COOPER ROAD
SEBASTOPOL, CA 95472

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce	
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS		
Application Number	11938057		
Filing Date	09-Nov-2007		
First Named Inventor	Camillo Ricordi		
Art Unit	2617		
Examiner Name	KWASI KARIKARI		
Attorney Docket Number	213423-30002		
Title	MOBILE EMERGENCY ALERT SYSTEM		
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		69139 _____	
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(c)(1)(vi)			
Certifications			
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment			
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled			
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond			
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:			
Name	Camillo Ricordi		
Address	3734 Matheson Avenue		
City	Miami		
State	FL		
Postal Code	33133		

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Nancy J. Leith/
Name	Nancy J. Leith
Registration Number	45309



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 12, 2011

In re Application of :

Camillo Ricordi

Application No : 11938057

Filed : 09-Nov-2007

Attorney Docket No : 213423-30002

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 12, 2011

The request is **APPROVED**.

The request was signed by Nancy J. Leith (registration no. 45309) on behalf of all attorneys/agents associated with Customer Number 69139 . All attorneys/agents associated with Customer Number 69139 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Camillo Ricordi

Name2

Address 1 3734 Matheson Avenue

Address 2

City Miami

State FL

Postal Code 33133

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/938,078	11/09/2007	Ronald S. Fazio	10050161-06	3122
57299	7590	03/28/2012		
Kathy Manke Avago Technologies Limited 4380 Ziegler Road Fort Collins, CO 80525			EXAMINER TUGBANG, ANTHONY D	
			ART UNIT 3729	PAPER NUMBER
			NOTIFICATION DATE 03/28/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

avagoip@system.foundationip.com
kathy.manke@avagotech.com
scott.weitzel@avagotech.com



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Alexandria, VA 22311
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Kathy Manke
Avago Technologies Limited
4380 Ziegler Road
Fort Collins CO 80525

::
::
:
::

In re Application of:
FAZZIO, RONALD S. et al
Serial No.: 11/938,078
Filed: Nov. 9, 2007
Attorney's Docket: 10050161-06
Title: A METHOD OF
FABRICATING AN ACOUSTIC
RESONATOR COMPRISING A
FILLED RECESSED REGION

DECISION ON PETITION

This is a decision on the petition filed on December 29, 2011 seeking withdrawal of the finality of the Office action mailed March 30, 2011. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the December 29, 2011 petition, the petitioner requests the finality of the Office action of March 30, 2011 be reconsidered and withdrawn because the applicant believes that the final rejection was premature. In particular, petitioner argues that the examiner's rejection of the dependent claim 27 constitutes new ground of rejection not necessitated by the applicant's amendment of January 18, 2011.

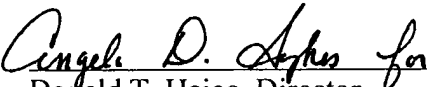
A further review of the file record shows that the instant petition was filed almost nine months after the mailing date of the final Office action of March 30, 2011. Pursuant to 37 CFR 1.181(f)¹, the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of March 30, 2011 will not be granted. Based on the reasons as stated above, petitioner's request to withdraw the finality of the Office action dated March 30, 2011 is hereby dismissed as untimely.

¹ 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.


Donald T. Hajec, Director
Technology Center 3700



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DOW NOV-10

MICHAEL O. SCHEINBERG
P.O. BOX 164140
AUSTIN TX 78716-4140

MAILED

NOV 22 2010

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Brian William Perrin et al :
Application No:11/938,087 :
Filing Date: November 9, 2007 :
Attorney Docket No. BG032CON :

This is a decision on the communication filed July 26, 2010, entitled "APPLICANTS' 37 CFR § 1.181 PETITION TO THE DIRECTOR FOR A REFUND".

The request for refund is **DISMISSED**.

Applicant files the above petition and request a refund of the extension of time fee submitted on May 25, 2010, and states that, "Applicants did not receive the November 24, 2009[sic 25] Office action in the mail and discovered the November 24, 2009 [sic 25] Office action on PAIR on Tuesday, May 25, 2010, the last day of the six month statutory period for response. To support the above, an Affidavit of Amy Bendy accompanied the request.

However, the extension of time with fee submitted on May 25, 2010, was necessary to keep the application in pending status.

Applicant should be aware that, if the above application had gone abandoned, applicant could have filed a petition to withdraw holding of abandoned under 37 CFR 1.181(a) no fee with supporting evidence of nonreceipt of the Office action mailed on November 25, 2009.

In view of the above, the request for refund of the extension of time fee submitted on May 25, 2010 is dismissed.

Application No. 11/938,087

2

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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DWR Feb-11

MICHAEL O. SCHEINBERG
P.O. BOX 164140
AUSTIN TX 78716-4140

MAILED
FEB 08 2011
OFFICE OF PETITIONS

In re Application of :
Brian William Perrin et al :
Application No:11/938,087 : ON PETITION
Filing Date: November 9, 2007 :
Attorney Docket No. BG032CON :

This is a decision on the renewed petition filed December 14, 2010, under 37 CFR § 1.181.

The request for refund is **DISMISSED**.

Applicant asserts that the extension of time submitted on May 25, 2010, was submitted because the Office action mailed November 25, 2009 had not been received by applicant and that applicant discovered the November 25, 2009, Office action on PAIR on Tuesday, May 25, 2010, the last day of the six month period for response. However, as stated in the decision mailed November 22, 2010, the extension of time with fee submitted on May 25, 2010, was necessary to keep the application in pending status. Additionally, Office records show that the Office action mailed on November 25, 2009 was mailed to the correct address.

Further, applicant asserts that the decision mailed November 22, 2010, suggests that applicants should have intentionally allowed the application to go abandoned. Not so, the Office only let applicant know that if the application had gone abandoned, that a petition under 37 CFR 1.181(a) (no fee) could have been filed. The Office did not suggest that applicant intentionally abandoned the application. The information was only supplied to let applicant know that if the application went abandoned for non-receipt of the Office action, that a petition under 37 CFR 1.181 could be filed.

In view of the above, the request for refund of the extension of time fee submitted on May 25, 2010 is again dismissed.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

Paper No.

MAILED

OCT 17 2011

OFFICE OF PETITIONS

In re Patent No. 7,996,045 : DECISION ON
Bauer et al. : REQUEST FOR RECONSIDERATION
Issue Date: August 9, 2011 : OF PATENT TERM ADJUSTMENT
Application No. 11/938,134 : AND
Filed: November 9, 2007 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 16113-0801001 :
/GP-1332-0 : CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)" filed Monday, October 10, 2011. Patentee requests correction of the final Patent Term Adjustment calculation from seven hundred seventy (770) days to eight hundred sixteen (816) days.

The request for reconsideration of the patent term adjustment indicated in the patent is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of eight hundred sixteen (816) days.

On August 9, 2011, the above-identified application matured into U.S. Patent No. 7,996,045. The instant request for reconsideration filed Monday, October 10, 2011 was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 770 days. Patentee disputes the entry of a reduction of 8 days and a reduction of 46 days for an amendment filed with drawings after the mailing of the notice of allowance. Patentee points out that the "response to rule 312 communication" mailed June 24, 2011 responded to the amendment and the drawings filed June

17, 2011. As such, a single reduction pursuant to 37 CFR 1.704(c)(10) of 8 days should have been entered.

Patentee's contention is well taken. 37 CFR 1.704(c) provides, in pertinent part, that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(10) Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or

(ii) Four months; ...

The response mailed June 24, 2011 was in response to both the amendment and the drawings. Thus, the period of reduction should only be 8 days. Accordingly, the period of reduction of 46 days is being removed.

In view thereof, the patent term adjustment indicated on the patent should be EIGHT HUNDRED SIXTEEN (816) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by EIGHT HUNDRED SIXTEEN (816) days.

Patent No. 7,996,045

Application No. 11/938,134

Page 3

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long, sweeping horizontal stroke extending to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,996,045 B1

DATED : August 9, 2011

DRAFT

INVENTOR(S) : Bauer et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 770 days

Delete the phrase "by 770 days" and insert – by 816 days--



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Patent No. : 7820388 B2
Application No.: 11/938138
Inventor(s) : Sun et al.
Issued : 10/26/2010
Attorney Docket No.: 054769-0304

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

The request to amend claim 2 by deleting the phrase "in a nucleic acid sample obtained from the human" is DENIED because this would change the scope of the claims. Further this amendment would necessitate a rejection made under 35 USC 101.

In view of the foregoing, your request, in this matter, is hereby denied.

A certificate of correction will be issued to correct the remaining changes noted on the request.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 03/23/2011

Address: Anthony C. Kuhlmann
FOLEY & LARDNER, LLP
P.O. Box 80278
San Diego, California 92138-0278

ts/MD

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/23/11

TO SPE OF : ART UNIT: 1634 Attn: NGUYEN DAVE T (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/938138_Patent No.: 7820388

C of C Mailroom date: 03/17/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☒ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: The request to amend claim 2 by deleting the phrase "in a nucleic acid sample obtained from the human" is DENIED because this would change the scope of the claims. Further this amendment would necessitate a rejection made under 35 USC 101.

/Dave Nguyen/

SPE

Art Unit 1634



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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

MAR 10 2011

In re Application of
Dean Iverson Sproles
Application No. 11/938,161
Filed: November 9, 2007
Attorney Docket No. **78372/3000**

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 30, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 30623 has been revoked by the assignee of the patent application on January 7, 2011. Therefore, petitioner no longer has power in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111



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STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY UT 84111

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Dean Iverson Sproles	:	DECISION ON PETITION
Application No. 11/938,161	:	TO WITHDRAW
Filed: November 9, 2007	:	FROM RECORD
Attorney Docket No. 78372/3000	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 3, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Samuel E. Webb on behalf of all attorneys of record who are associated with Customer Number 32642.

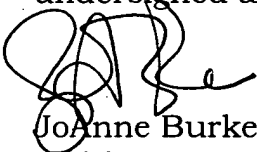
All attorneys/agents associated with Customer Number 32642 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

There is an outstanding Office action mailed February 1, 2011, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Iverson Genetic Diagnostics, Inc.
c/o Dean Sproles
19805 North Creek Parkway, Suite 200
Bothell, WA 98011



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/938,161	11/09/2007	Dean Iverson Sproles	78372/3000

32642
STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

CONFIRMATION NO. 3306
POWER OF ATTORNEY NOTICE



Date Mailed: 05/16/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/03/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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SEED INTELLECTUAL PROPERTY LAW GROUP, PLLC
701 FIFTH AVENUE
SUITE 5400
SEATTLE WA 98104

MAILED

MAR 30 2012

OFFICE OF PETITIONS

In re Application of	:	
Ruppert	:	
Application No. 11/938,163	:	DECISION ON PETITION
Filed: November 9, 2007	:	PURSUANT TO
Attorney Docket No.	:	37 C.F.R. § 1.137(B)
110184.45404	:	
Title: METHODS AND SYSTEMS FOR	:	
CONTROLLING ACCESS TO RESOURCES	:	
IN A GAMING NETWORK	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed February 22, 2012, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed December 14, 2011, which set a period for reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were available. Accordingly, the above-identified application became abandoned on January 15, 2011. A notice of abandonment was mailed on February 22, 2012.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition

pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, the proper statement of unintentional delay, and an amendment to the specification. The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application, including the amendment to the specification received on February 22, 2012, may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.²



Paul Shanowski
Senior Attorney
Office of Petitions

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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**CHIEN-HUI SU
P. O. BOX 70-121 TAICHUNG
TAICHUNG CITY 40899 TW TAIWAN**

MAILED

MAR 21 2012

OFFICE OF PETITIONS

In re Application of	:	
Chih-Hsiang Yang	:	
Application No. 11/938,185	:	DECISION ON PETITION
Filed: November 9, 2007	:	
Attorney Docket No. GFP-996750	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 10, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 24, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 22, 2010. Accordingly, the date of abandonment of this application is January 25, 2011. A Notice of Abandonment was mailed February 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870.00 and the publication fee of \$300.00, (2) the petition fee of \$930.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of

HILL, Patricia J.

Application No. 11/938,244

Filed: November 09, 2007

Attorney Docket No. **4285-102**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 02, 2010.

The request is **APPROVED**.


A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Steven Hultquist on behalf of all attorneys of record who are associated with customer No. 23448. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Ms. Pat Hill at the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.


Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MS. PAT HILL
330 EAST 38 ST., #55 B
NEW YORK, N.Y. 10016**



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/938,244	11/09/2007	Patricia J. Hill	4285-102

23448
INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

CONFIRMATION NO. 3488
POWER OF ATTORNEY NOTICE



Date Mailed: 10/12/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/02/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/mreason/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Commissioner for Patents
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MAILED
MAY 05 2011
OFFICE OF PETITIONS

Pryor Cashman LLP
7 Times Square
New York, New York 10036-6569

In re Application of :
Patricia J. HILL : DECISION GRANTING PETITION
Application No. 11/938,244 : UNDER 37 CFR 1.137(b)
Filed: 9 November 2007 :
Atty. Docket No.: 12688.00001 :

This is a decision on the petition under 37 CFR 1.137(b), filed 13 January 2011, to revive the above-identified application.

The petition is **GRANTED**.

The Application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 28, 2010 ("outstanding Office action"), which set a shortened statutory reply period of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application thus became abandoned on July 29, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, Request for Continued Examination (RCE), and RCE fee, (2) a petition fee of \$810.00 (small entity), and (3) a Statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition, however, the Office will mail all future correspondence solely to the address of record.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center AU 2612 for further action on the filed Response.

A handwritten signature in black ink, appearing to read 'David Bucci', with a stylized flourish at the end.

David Bucci
Petitions Examiner
Office of Petitions

cc: **Ms. Patricia J. Hill**
330 East 38th Street
Suite 55B
New York, New York 10016



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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN VA 22102

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of
BERG, et al
Application No. 11/938,247
Filed: November 9, 2007
Attorney Docket No. 655452000200

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 25, 2011.

The request is **NOT APPROVED**.

The request to withdraw from record cannot be approved because the correspondence address provided for future communications from the Office does not include the most current information for the assignee in that the chain of title is incomplete. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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THE LAW OFFICE OF PAUL ROATH, PC
107 EAST MAIN STREET
SUITE 304
NORRISTOWN, PA 19462

MAILED

MAR 21 2011

In re Application of

John Taube

Application No. 11/938,289

Filed: November 11, 2007

Attorney Docket No. TAUBE-012007001

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN TAUBE
1810 SCOTT ROAD
ORELAND, PA 19075



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THE LAW OFFICES OF PAUL ROATH, PC
107 EAST MAIN STREET
SUITE 304
NORRISTOWN, PA 19462

MAILED

MAY 17 2011

OFFICE OF PETITIONS

In re Application of

John Taube

Application No. 11/938,289

Filed: November 11, 2007

Attorney Docket No. TAUBE-012007001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 28, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Paul Roath on behalf of all attorneys of record who are associated with this application. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN TAUBE
1810 SCOTT ROAD
ORELAND, PA 19075



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/938,289	11/11/2007	John TAUBE	TAUBE-012007001

CONFIRMATION NO. 3678

POWER OF ATTORNEY NOTICE



OC000000047673610

75912
The Law Office of Paul Roath, PC
107 East Main St.
Suite 304
Norristown, PA 19462

Date Mailed: 05/16/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/28/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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THE LAW OFFICE OF PAUL ROATH, PC
107 EAST MAIN STREET
SUITE 304
NORRISTOWN, PA 19462

MAILED

MAR 21 2011

In re Application of	:	OFFICE OF PETITIONS
John Taube	:	
Application No. 11/938,291	:	DECISION ON PETITION
Filed: November 11, 2007	:	TO WITHDRAW
Attorney Docket No. TAUBE-012007002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN TAUBE
1810 SCOTT ROAD
ORELAND, PA 19075



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THE LAW OFFICE OF PAUL ROATH, PC
107 EAST MAIN STREET
SUITE 304
NORRISTOWN, PA 19462

MAILED

MAY 17 2011

In re Application of	:	OFFICE OF PETITIONS
John Taube	:	
Application No. 11/938,291	:	DECISION ON PETITION
Filed: November 11, 2007	:	TO WITHDRAW
Attorney Docket No. TAUBE-012007002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 28, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Paul Roath on behalf of all attorneys of record who are associated with this application. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN TAUBE
1810 SCOTT ROAD
ORELAND, PA 19075



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/938,291	11/11/2007	John TAUBE	TAUBE-012007002

CONFIRMATION NO. 3682

POWER OF ATTORNEY NOTICE



75912
The Law Office of Paul Roath, PC
107 East Main St.
Suite 304
Norristown, PA 19462

Date Mailed: 05/12/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/28/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
255 SOUTH ORANGE AVENUE
STE. 1401
ORLANDO, FL 32801

MAILED

JAN 05 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
DANIELL et al	:	
Application No.: 11/938,331	:	DECISION ON PETITION
Filing Date: November 12, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: 1015050	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed on August 27, 2010 to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

A petition for acceptance of a late claim for priority under 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed application has been included in an amendment to the first sentence of the specification following the title as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains an adequate statement of unintentional delay. With further regard to item (3), the statement

contained in the petition is construed as a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. If this interpretation is incorrect, petitioner is required to notify the Office immediately.

Having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 119(e) to the prior-filed applications satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1638 for appropriate action, including consideration by the examiner of the claim for benefit of the prior-filed applications.

Bryan Lin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/938,578	11/12/2007	Kenneth A. Gall	036302-012200	4265

7590 09/22/2010
GREENBERG TRAURIG, LLP
1200 SEVENTEENTH STREET, SUITE 2400
DENVER, CO 80202

EXAMINER

EREZO, DARWIN P

ART UNIT	PAPER NUMBER
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3773

MAIL DATE	DELIVERY MODE
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09/22/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nomi Barnes

Patent Publication Branch
Office of Data Management

Request date: 09/22/2010
09/22/2010 11:03:30 AM
11/12/2007 11:03:30 AM
04/12/2002 11:03:30 AM
03/12/2001 11:03:30 AM



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LAW OFFICE OF PETER G. KORYTNYK, PLLC
213 S. Payne Street
Alexandria VA 22314

MAILED

FEB 17 2011

OFFICE OF PETITIONS

In re Application of :
Bastien et al. :
Application No.: 11/938622 : ON PETITION
Filing or 371(c) Date: 11/12/2007 :
Attorney Docket Number: 0404-002 :
0404-002 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed November 20, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed September 2, 2009. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on December 3, 2009. A Notice of Abandonment was sent April 13, 2010.

Applicant files the present petition and Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 3673 for processing of the response to the Office action filed with the petition in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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SHUMAKER LOOP & KENDRICK
101 E. KENNEDY
SUITE 2800
TAMPA, FL 33672-0609

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Patent No. 7,469,624
Issue Date: December 30, 2008
Application No. 11/938,678
Filed: November 12, 2007
Patentee(s): Jason Adams

DECISION ON PETITION

This is a decision on the petition, filed August 16, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **DISMISSED**.

The application was abandoned for failure to notify the Office of the subsequently filed foreign or international application filed on July 17, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3) above.

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

- (1) the delay in reply that originally resulted in the abandonment;
- (2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and
- (3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of \$500 or a fee of \$50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). See *In re Application of G*, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (over 3 years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment. That party, in turn must explain what effort(s) was made to inform the Office of the international application filed on July 17, 2008, and why the Office was not promptly notified. If no effort was made to notify that Office, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). As the attorneys listed under Customer Number 51268 were the counsels responsible at the time of abandonment, they should explain why this application became abandoned while it was under their control and what efforts were made to notify of the Office and with whom this matter was discussed outside of their Office.

As to Period (2):

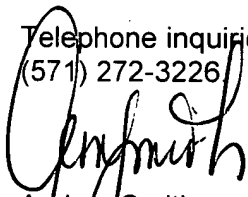
Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). See MPEP 711.03(c).

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Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at
(571) 272-3226

A handwritten signature in black ink, appearing to read 'Andrea Smith', is written over the printed name and title.

Andrea Smith
Petitions Examiner
Office of Petitions



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KIRTON AND MCCONKIE
60 EAST SOUTH TEMPLE,
SUITE 1800
SALT LAKE CITY UT 84111

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JAN 11 2012

OFFICE OF PETITIONS

In re Application of
Joyce S. Stone
Application No. 11/938,686
Filed: November 12, 2007
Attorney Docket No: 7848.14

ON PETITION

This is a decision on the petition, filed November 23, 2011, to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 8, 2011. A Notice of Abandonment was mailed on November 21, 2011. On November 23, 2011, the present petition was filed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$870 and the publication fee of \$300, (2) the petition fee of \$930; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MR. DAVID B. TINGEY
1800 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111



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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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MAR 14 2011

OFFICE OF PETITIONS

In re Application :
Tamatani, et al. :
Application No. 11/938,753 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: November 12, 2007 :
Dkt. No.: 14539-0004015/JF-52US-D5 :

This is in response to the application for patent term adjustment under 37 CFR 1.705(b) filed February 9, 2011.

The request for reconsideration of patent term adjustment is **GRANTED TO THE EXTENT INDICATED HEREIN.**

Applicants assert that the application is entitled to an adjustment of 161 days and not 148 days pursuant to 37 CFR 1.702(a)(1). Applicants further assert that the period of reduction of 20 days for applicant delay pursuant to 37 CFR 1.704 should be increased to 113 days, to include a reduction of 93 days pursuant to 37 CFR 1.704(c)(1).

The application is properly subject to an adjustment of 148 days pursuant to 37 CFR 1.702(a)(1). The adjustment commenced January 13, 2008, the day after the date that is 14 months after the date that the application was filed, and ended June 9, 2009, the date that the non-final Office action was mailed. See, 37 CFR 1.703(a)(1). Applicants assert that the Office communication mailed June 22, 2009 vacated and reset the time period for reply to the non-final Office action mailed June 9, 2009.

A review of the record reveals that the time period for reply to the June 9, 2009 non-final Office action was reset by the Office communication mailed June 22, 2009. However, the non-final Office action mailed June 9, 2009 was not vacated, withdrawn, or expunged by the Group Director of the Technology Center. Therefore, the non-final Office action mailed June 9, 2009 is deemed to have been properly mailed within the meaning 35 USC 132 for the purposes of calculating adjustment under 37 CFR 1.702(a)(1).

Review of the record reveals that applicants are correct in that the application is subject to an additional adjustment of 93 days pursuant to 37 CFR 1.704(c)(1). The reduction commenced June 16, 2010, the date that the suspension request was filed, and ended September 16, 2010, the date that the suspension period ended.

In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 35 days (148 days of adjustment pursuant to 37 CFR 1.703 reduced 113 days for applicant delays pursuant to 37 CFR 1.704).

The \$200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

Enclosure: Adjusted PAIR Calculation

Day : Thursday
Date: 3/10/2011

PALM INTRANET

Time: 08:53:43

PTA Calculations for Application: 11/938753

Application Filing Date:	11/12/2007	PTO Delay (PTO):	148
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	20
Post-Issue Petitions:	0	Total PTA (days):	35
PTO Delay Adjustment:	-93		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
130	03/10/2011	ADJUSTMENT OF PTA CALCULATION BY PTO		93	
119	11/09/2010	MAIL NOTICE OF ALLOWANCE			
118	11/04/2010	ISSUE REVISION COMPLETED			
117	11/04/2010	DOCUMENT VERIFICATION			
116	11/04/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
115	11/01/2010	EXAMINER'S AMENDMENT COMMUNICATION			
114	11/01/2010	ALLOWABILITY NOTICE			
111	06/16/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
110	09/10/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
109	10/08/2010	DATE FORWARDED TO EXAMINER			
108	10/08/2010	TO CLOSE THE A/R RECORD AND RESET THE STATUS FOR EXPIRED SUSPENSIONS.			
107	09/10/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
106	09/10/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
105	08/12/2010	SEQUENCE FORWARDED TO PUBS ON TAPE			
104	06/30/2010	DATE FORWARDED TO EXAMINER			
103	06/30/2010	WITHDRAWAL OF NOTICE OF ALLOWANCE			
102	06/25/2010	EXPORT TO INITIAL DATA CAPTURE			
101	06/23/2010	ELECTRONIC REVIEW			
100	06/23/2010	EMAIL NOTIFICATION			
99	06/23/2010	MAIL NOTICE OF ALLOWANCE			
98	06/16/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

97	06/18/2010	ISSUE REVISION COMPLETED			
96	06/18/2010	DOCUMENT VERIFICATION			
95	06/18/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
94	06/18/2010	CASE DOCKETED TO EXAMINER IN GAU			
93	06/18/2010	ALLOWABILITY NOTICE			
92	06/16/2010	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
91	06/21/2010	MAIL LETTER SUSPENDING PROSECUTION AT APPLICANT'S REQUEST			
90	06/17/2010	SUSPENSION LETTER- APPLICANT INITIATED			
89	06/16/2010	LETTER REQUESTING SUSPENSION OF PROSECUTION			
88	06/16/2010	REQUEST FOR CONTINUED EXAMINATION (RCE)			
87	06/17/2010	DISPOSAL FOR A RCE / CPA / R129			
84	06/16/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
83	06/16/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
82	06/16/2010	WORKFLOW - REQUEST FOR RCE - BEGIN			
81	03/30/2010	SEQUENCE FORWARDED TO PUBS ON TAPE			
80	03/19/2010	EXPORT TO INITIAL DATA CAPTURE			
79	03/17/2010	ELECTRONIC REVIEW			
78	03/17/2010	EMAIL NOTIFICATION			
77	03/17/2010	MAIL NOTICE OF ALLOWANCE			
76	03/12/2010	ISSUE REVISION COMPLETED			
75	03/12/2010	DOCUMENT VERIFICATION			
74	03/11/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
73	03/11/2010	ALLOWABILITY NOTICE			
72	03/01/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
69	03/01/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
68	03/01/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
67	03/01/2010	REQUEST FOR CONTINUED EXAMINATION (RCE)			
66	03/08/2010	DISPOSAL FOR A RCE / CPA / R129			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

65	03/01/2010	FILED			
64	03/01/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
63	03/01/2010	WORKFLOW - REQUEST FOR RCE - BEGIN			
62	01/12/2010	FINISHED INITIAL DATA CAPTURE			
61	12/28/2009	SEQUENCE FORWARDED TO PUBS ON TAPE			
60	12/14/2009	EXPORT TO INITIAL DATA CAPTURE			
59	04/20/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
58	04/20/2009	REFERENCE CAPTURE ON IDS			
57	12/02/2009	ELECTRONIC REVIEW			
56	12/02/2009	EMAIL NOTIFICATION			
55	12/02/2009	MAIL NOTICE OF ALLOWANCE			
54	11/24/2009	ISSUE REVISION COMPLETED			
53	11/24/2009	DOCUMENT VERIFICATION			
52	11/24/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	11/24/2009	ALLOWABILITY NOTICE			
48	10/27/2009	DATE FORWARDED TO EXAMINER			
47	09/22/2009	RESPONSE AFTER NON-FINAL ACTION			
46	10/18/2009	PARALEGAL TD ACCEPTED			
45	10/18/2009	PARALEGAL TD ACCEPTED			
44	10/18/2009	PARALEGAL TD ACCEPTED			
43	10/18/2009	PARALEGAL TD ACCEPTED			
42	09/22/2009	TERMINAL DISCLAIMER FILED			
41	09/22/2009	TERMINAL DISCLAIMER FILED			
40	09/22/2009	TERMINAL DISCLAIMER FILED			
39	09/22/2009	TERMINAL DISCLAIMER FILED			
38	06/22/2009	ELECTRONIC REVIEW			
37	06/22/2009	EMAIL NOTIFICATION			
36	06/22/2009	RESTART RESPONSE OF ACTION			
35	06/10/2009	ELECTRONIC REVIEW			
34	06/10/2009	EMAIL NOTIFICATION			
33	06/09/2009	MAIL NON-FINAL REJECTION	148		-1
32	06/05/2009	NON-FINAL REJECTION			
28	04/20/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
27	11/12/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			

26	04/20/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	11/03/2008	CASE DOCKETED TO EXAMINER IN GAU			
24	10/29/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
23	06/25/2008	PRELIMINARY AMENDMENT			
22	11/12/2007	REFERENCE CAPTURE ON IDS			
21	11/12/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	10/10/2008	EMAIL NOTIFICATION			
19	10/09/2008	PG-PUB ISSUE NOTIFICATION			
18	07/18/2008	APPLICATION DISPATCHED FROM OIPE			
17	07/03/2008	SENT TO CLASSIFICATION CONTRACTOR			
16	07/03/2008	FILING RECEIPT - UPDATED			
15	07/03/2008	APPLICATION IS NOW COMPLETE			
14	06/25/2008	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM		20	11
13	11/12/2007	CLAIM PRELIMINARY AMENDMENT			
12	03/05/2008	FILING RECEIPT			
11	03/05/2008	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
10	11/12/2007	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
9	11/12/2007	REQUEST FROM APPLICANT FOR THE USPTO TO RETRIEVE THE PRIORITY DOCUMENT			
8	01/30/2008	CLEARED BY L&R (LARS)			
7	12/04/2007	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
6	12/04/2007	CASE CLASSIFIED BY OIPE			
5	11/30/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
4	11/19/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	11/12/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
1	11/12/2007	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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APR 04 2011

OFFICE OF PETITIONS

In re Application of	:	
Wesley Mark McAfee	:	
Application No. 11/938830	:	DECISION
Filing or 371(c) Date: 11/13/2007	:	ON PETITION
Title of Invention:	:	
ABTA003US0	:	

This is a decision on the "Petition to Revive Unavoidably Abandoned Application Pursuant to 37 CFR 1.137(a)," or in the alternative, a Petition to Revive an Unintentionally Abandoned Application Pursuant to 37 CFR 1.137(b), filed February 7, 2011.

The petition under 37 CFR 1.137(a) is hereby dismissed.

The petition under 37 CFR 1.137(b) is hereby granted.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed August 4, 2010. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on November 5, 2010.

The present petition

Petitioner filed a petition to revive the application based upon unavoidable delay, and provides that the delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable because of a winter weather emergency coupled with widespread power failures in Central Texas, where petitioner works and lives, on Friday, February 4, 2011.

A Grantable Petition Under 37 CFR 1.137(a)

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of

a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Applicant lacks item (3) as set forth above.

Applicable Law, Rules and MPEP

As to item (3), Applicant must provide a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable. In order to determine whether the delay was unavoidable, the courts have adopted a “reasonably prudent person” standard. The courts have provided that:

[t]he word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

“The critical phrase ‘unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable’ has remained unchanged since first enacted in 1861.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The standard for “unavoidable” delay for reinstating a patent is the same as the unavoidable standard for reviving an application. See Ray v. Lehman, 55 F.3d 606, 608-609, 34 U.S.P.Q.2d (BNA) 1786, 1787 (Fed. Cir. 1995) (citing In re patent No. 4,409,763, 7 U.S.P.Q.2d (BNA) 1798, 1800 (Comm’r Pat. 1990; Smith

v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The court in In re Mattullath, accepted the standard which had been proposed by Commissioner Hall which “requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business.” In re Mattullath, 38 App. D.C. 497, 514-515 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)). However, “The question of whether an applicant’s delay in prosecuting an application was unavoidable [will] be decided on a case-by-case basis, taking all of the facts and circumstances into account.”¹ Nonawareness of the content of, or a misunderstanding of, PTO statutes, PTO rules, the MPEP, or Official Gazette notices, does not constitute unavoidable delay.²

The statute requires a “showing” by petitioner. Therefore, petitioner has the burden of proof. The decision will be based solely on the written, administrative record in existence. It is not enough that the delay was unavoidable; petitioner must prove that the delay was unavoidable. A petition will not be granted if petitioner provides insufficient evidence to “show” that the delay was unavoidable.

Applicant is further advised that the Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see also Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987). Specifically, petitioner's delay caused by the actions or inactions of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133 or 37 CFR 1.137(a). Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891). In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913).

Analysis

Applicant here asserts that the delay in responding to the Office action from the due date for the reply until the filing of a grantable petition was unavoidable because of a winter weather emergency coupled with widespread power failures in Central Texas, where petitioner works and lives, on Friday, February 4, 2011.

¹ Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

² See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D. D.C. 1978)-for the proposition that counsel’s nonawareness of PTO rules does not constitute “unavoidable” delay); Vincent v. Mossinghoff, 1985 U.S. Dist. LEXIS 23119, 13, 230 U.S.P.Q. (BNA) 621 (D. D.C. 1985) (Plaintiffs, through their counsel’s actions, or their own, must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications.) (Emphasis added).

Petitioner is advised that a reply to the Office action was due on or before November 4, 2011. While extensions of time were available, Petitioner did not avail herself of any extensions of time. As such, petitioner has failed to account for the entire period of delay, November 5, 2010, to the filing of a grantable petition.

Moreover, a review of the printout from the City of Austin Homeland Security and Emergency Management discussing the activation of the Emergency Operations Center on Wednesday, February 2, 2011 for the winter weather emergency, reveals that the the Emergency Operations Center was activated two (2) days prior to February 4, 2011. A review of the copy of the printout from the local NBC news affiliate listing school and other closings in the area and briefly discussing power outages, reveals that it is dated February 3, 2011, the day before February 4, 2011, and it is entitled "Cancellations and delays due to cold weather this week." A review of the copy of a printout from the local newspaper listing, inter alia, office closures, reveals that the Law Office of the attorney of record herein is not listed among the offices closed on February 4, 2011, and also reveals that not all Office were closed on February 4, 2011. Some offices opened on February 4, 2011. Finally, a review of the printout from the local NBC news affiliate discussing a Winter Storm Warning issued through Friday, February 4, 2011, reveals that the winter storm warning for Travis County, where petitioner works and lives, ended at noon on Friday, February 4, 2011.

Conclusion

While the delay in filing the required reply, from the due date for the reply until the filing of a grantable petition may be said to have been unintentional, it is not found to have been unavoidable. The petition under 37 CFR 1.137(a) is dismissed.

Petition under 37 CFR 1.137(b)

Petitioner files the present petition, and an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed. The petition fee has been charged to Petitioner's deposit account as authorized in the petition.

This application is being referred to Technology Center Art Unit 3676 for processing of the reply filed with the petition in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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Lorri Schneider
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Southfield MI 48076

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AUG 15 2011

OFFICE OF PETITIONS

In re Application of :
Lorri-Anne Schneider :
Application No. 11/938,836 :
Filed: November 13, 2007 :
Attorney Docket No. WDS-3490 :

ON PETITION

This is in response to the communication, filed June 21, 2011, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment, under 37 CFR 1.181 (No Fee).

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

On November 26, 2010, the Office mailed a Notice of Non-Compliant Amendment, which set a one month shortened statutory period to reply. The application was held abandoned for failure to submit a timely response to the Notice of Non-Compliant Amendment. On June 7, 2011, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to response mailed on December 17, 2010. Specifically, petitioner states that a response to the Notice of Non-Compliant Amendment mailed November 26, 2010 was mailed to the Office on December 17, 2010.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates that there is no record of a response to the Notice mailed November 26, 2010 was received by the Office. Petitioner attests that a response was mailed on December 17, 2010. However, there is not enough documentary evidence to prove such. Petitioner must have a certificate of mailing according to 37 CFR 1.8(b) or post card evidence mailed from the Office showing that a response was received. No evidence has been received with the instant petition showing the mailing of a response on December 17, 2010. Accordingly, the petition to withdraw the holding of abandonment is **dismissed**.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), **\$810.00 for a small entity**;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to Terri Johnson at (571) 272-2991.

/ Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally
Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Caterpillar Inc.
Intellectual Property Dept.
AH 9510
100 N.E. Adams Street
PEORIA IL 61629-9510

MAILED

OCT 07 2011

OFFICE OF PETITIONS

In re Application of	:
NORBITS, GEORGE T.	:
Application No. 11/938,839	: DECISION ON PETITION
Filed: 11/13/2007	:
Attorney Docket No. 06-570	:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 6, 2010, which set a shortened statutory period for response of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 7, 2011. A Notice of Abandonment was mailed on May 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee; and, (3) an appropriate statement of unintentional delay.

After reviewing the record, there is no indication that patent practitioner, Kelly J. Smith, was ever empowered to prosecute the present application. If petitioner desires to receive future correspondence regarding this application at the address listed on the petition, the appropriate power of attorney documentation and change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to the address listed on the petition. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

It is not apparent whether Ms. Smith, the person signing the statement of unintentional delay, was in a position to have firsthand or direct knowledge of the facts and circumstances of the

delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

This application is being referred to Technology Center AU 1747 for appropriate action by the Examiner in the normal course of business on the reply received on September 29, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: Liell & McNeil Attorneys. PC
511 South Madison Street
P.O. Box 2417
Bloomington, IN 47402



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/938,927	11/13/2007	Takco Yajima	4724-0050	4983
35301 7590 08/02/2010 MCCORMICK, PAULDING & HUBER LLP CITY PLACE II 185 ASYLUM STREET HARTFORD, CT 06103			EXAMINER HAMO, PATRICK	
			ART UNIT 3746	PAPER NUMBER
			MAIL DATE 08/02/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD CT 06103

In re Application of	:	
YAJIMA, TAKEO	:	DECISION ON REQUEST TO
Application No. 11/938,927	:	PARTICIPATE IN PATENT
Filed: Nov. 13, 2007	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 4724-0050	:	PROGRAM AND PETITION
Title: CHEMICAL LIQUID SUPPLYING	:	37 CFR 1.102(d)
APPARATUS	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 30, 2010, to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition did not meet Item #2 above. The request to participate in the PPH program and petition fails to include a statement that the English translation of the allowable claims in the foreign application is accurate.

Regarding item #5, in the office action of March 10, 2010, the JPO rejected claims 2-9 in the JPO application as unpatentable over prior art. Please verify the allowability of the claims in the JPO application/patent, with reference to sources, as the claims in the U. S. application sufficiently correspond to the claims in the JPO application.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/938,927	11/13/2007	Takco Yajima	4724-0050	4983
35301 7590 09/07/2010 MCCORMICK, PAULDING & HUBER LLP CITY PLACE II 185 ASYLUM STREET HARTFORD, CT 06103				
			EXAMINER HAMO, PATRICK	
			ART UNIT 3746	PAPER NUMBER
			MAIL DATE 09/07/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD CT 06103

In re Application of	:	
YAJIMA, TAKEO	:	DECISION ON REQUEST TO
Application No. 11/938,927	:	PARTICIPATE IN PATENT
Filed: Nov. 13, 2007	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 4724-0050	:	PROGRAM AND PETITION
Title: CHEMICAL LIQUID SUPPLYING	:	37 CFR 1.102(d)
APPARATUS	:	

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 31, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition did not meet Item #2 above. The request to participate in the PPH program and petition fails to include a statement that the English translation of the allowable claims in the foreign application is accurate.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

This application will be docketed to an examiner for examination commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Devon Kramer, the SPE of Art Unit 3746, and 571-272-7118 for Class 417/472 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/2/12

TO SPE OF : ART UNIT: 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/938,932 Patent No. 8,071,349

CofC mailroom date 1/26/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White, LIE

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Manjunath Rao/ 1656

SPE

Art Unit



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HOWARD & HOWARD ATTORNEYS PLLC
450 WEST FOURTH STREET
ROYAL OAK, MI 48067

MAILED

DEC 27 2010

OFFICE OF PETITIONS

In re Application of
Szuba et al.
Application No. 11/939,031
Filed: November 13, 2007
Attorney Docket No. 060576.00066

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 23, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 3, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 4, 2009. A Notice of Abandonment was mailed July 2, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks item (1), the required reply. Although the petitioner states that an Amendment after Final was submitted with the petition filed on November 23, 2010, no such submission was received in the Office. Accordingly, this application cannot be revived until a response such as a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b) has been received.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By Internet: EFS-Web¹

By Facsimile: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

A handwritten signature in black ink, appearing to read 'A. Kelley', with a long, sweeping horizontal line extending to the right.

Alicia Kelley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/cfs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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HOWARD & HOWARD ATTORNEYS PLLC
450 WEST FOURTH STREET
ROYAL OAK, MI 48067

MAILED

FEB 28 2011

In re Application of
Szuba et al.
Application No. 11/939,031
Filed: November 13, 2007
Attorney Docket No. 060576.00066

:
:
:
:
:

OFFICE OF PETITIONS
ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 3, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the date of abandonment of this application is March 4, 2009. A Notice of Abandonment was mailed July 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$405 and the submission required by 37 CFR 1.114, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on November 23, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center AU 3679 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Alicia Kelley
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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SEP 27 2010

OFFICE OF PETITIONS

**WHYTE HIRSCHBOECK DUDEK S.C.
INTELLECTUAL PROPERTY DEPARTMENT
555 EAST WELLS STREET, SUITE 1900
MILWAUKEE, WI 53202**

In re Application of	:	
Bertram Mindell	:	
Application No. 11/939,104	:	DECISION ON PETITION
Filed: November 13, 2007	:	TO WITHDRAW
Attorney Docket No. MND-35029	:	FROM RECORD
	:	


This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 27, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Whyte Hirschboeck Dudek S.C. has been revoked by the applicant of the patent application on August 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.


Terri Johnson
Petitions Examiner
Office of Petitions

cc: **BERTRAM MINDELL
2 OAKHILL AVENUE
PINNERS, MIDDLESEX, HA5 3DN
UNITED KINGDOM**



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRIAN ROFFE, ESQ
8170 MCCORMICK BOULEVARD, SUITE 223
SKOKIE, IL 60076-2914

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of	:	
David S. Breed	:	
Application No.: 11/939,183	:	ON PETITION
Filed: November 13, 2007	:	
Attorney Docket No.: ATI-354	:	

This is a decision on the petition, filed September 12, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 26, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3663 for further processing of the request for continued examination under 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,193	11/13/2007	Yuichi Hatano	008312-0366451	5503

7590 10/08/2010
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

AN, MENG AI T

ART UNIT	PAPER NUMBER
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2195

MAIL DATE	DELIVERY MODE
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10/08/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

11/13/2007 10:00 AM 11/13/2007 10:00 AM 11/13/2007 10:00 AM
11/13/2007 10:00 AM 11/13/2007 10:00 AM 11/13/2007 10:00 AM
11/13/2007 10:00 AM 11/13/2007 10:00 AM 11/13/2007 10:00 AM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: IP DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357-0037

MAILED
JUL 25 2011
OFFICE OF PETITIONS

In re Application of	:
Peter Nicholas Hettwer	:
Application No. 11/939,216	: DECISION GRANTING PETITION
Filed: November 13, 2007	: UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. G1371370.1	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed July 22, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment in favor of a continuing application under 37 CFR 1.53(b).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,243	11/13/2007	Lawrence J. DeLucas	P78176US01GP	5604
23378	7590	11/08/2011	EXAMINER	
BRADLEY ARANT BOULT CUMMINGS LLP INTELLECTUAL PROPERTY DEPARTMENT 1819 FIFTH AVENUE NORTH BIRMINGHAM, AL 35203-2104			COLE, MONIQUE T	
			ART UNIT	PAPER NUMBER
			1773	
			MAIL DATE	DELIVERY MODE
			11/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of :
DeLucas, et al. :
Application No. 11/939,243 : DECISION ON PETITION
Filing Date: February 23, 2007 :
For: MICROBIAL CONTROL WITH REDUCED :
CHLORINE :

This is a decision on the petition under 37 CFR § 1.48(b) filed March 12, 2010.

On 16 September 2011, the present petition and authorization to charge counsel's deposit account for the \$130.00 petition fee were filed. Petitioners request amendment of the inventorship to delete Tom Lewis and Ken Banasiewicz. Petitioners request that the actual inventorship be given as Lawrence J. DeLucas, Wilbur W. Wilson, Lisa Nagy, David Johnson and Charles S. Henry.

37 CFR 1.48 Correction of inventorship states, in part:

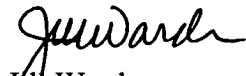
(b) Nonprovisional application —fewer inventors due to amendment or cancellation of claims . If the correct inventors are named in a nonprovisional application, and the prosecution of the nonprovisional application results in the amendment or cancellation of claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the nonprovisional application, an amendment must be filed requesting deletion of the name or names of the person or persons who are not inventors of the invention being claimed. If the application is involved in an interference, the amendment must comply with the requirements of this section and must be accompanied by a motion under § 1.634. Amendment of the inventorship requires:

(1) A request, signed by a party set forth in § 1.33(b), to correct the inventorship that identifies the named inventor or inventor's being deleted and acknowledges that the inventor's invention is no longer being claimed in the nonprovisional application; and

(2) The processing fee set forth in § 1.17(i).

A review of the record reveals that petitioner has complied with all the conditions in 37 CFR § 1.48(b). The petition is granted. A corrected filing receipt naming the actual inventors of the above-identified patent, namely, Lawrence J. DeLucas, Wilbur W. Wilson, Lisa Nagy, David Johnson and Charles S. Henry, will be issued.

PETITION GRANTED

A handwritten signature in cursive script, appearing to read "Jill Warden".

Jill Warden
Supervisory Patent Examiner
Art Unit 1797



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**GORDON E NELSON
PATENT ATTORNEY, PC
57 CENTRAL ST
PO BOX 782
ROWLEY MA 01969**

**MAILED
AUG 25 2011
OFFICE OF PETITIONS**

In re Application of :
Ahlgren et al. :
Application No. 11/939,250 : **DECISION ON PETITION**
Filed: November 13, 2007 :
Attorney Docket No. BEAVEN01.004 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed May 17, 2011, which set a shortened statutory period for reply of two (2) months. Accordingly, the above-identified application became abandoned on July 19, 2011. A Notice of Abandonment was mailed on July 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings and amendments to the Brief Description, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,266	11/13/2007	Koji Shima	008312-0366396	5649
7590 10/13/2010 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER VU, HUY DUY	
			ART UNIT 2461	PAPER NUMBER
			MAIL DATE 10/13/2010	DELIVERY MODE PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi James
Patent Publication Branch
Office of Data Management

Adjustment date: 10/13/2010
10/14/2007 IN: 11 00000000 000000 11939266
02 F01111 510.20 CR



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,284	11/13/2007	Hirofumi Urabe	10039033US01	5690

34904	7590	09/13/2010
CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION		
15975 ALTON PARKWAY		
IRVINE, CA 92618-3731		

EXAMINER	
OMETZ, DAVID LOUIS	

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
09/13/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPDocketing@cda.canon.com
mklein@cusa.canon.com
skalminov@cusa.canon.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE CA 92618-3731

In re Application of	:	
URABE, HIROFUMI et al.	:	DECISION ON REQUEST TO
Application No. 11/939,284	:	PARTICIPATE IN PATENT
Filed: November 13, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 10039033US01	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 21, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with items 5 and 6 above.

Regarding to item 5, there is no statement that the translation of the Japanese Office action mailed April 28, 2009 is accurate.

Regarding to item 6, IDS filed 7/28/09 fails to include the following references cited by the JPO examiner along with the copies of the documents: JP 2005-190273; JP 2002-014664 and JP 07-281637.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response to this decision must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,284	11/13/2007	Hirofumi Urabe	10039033US01	5690

34904 7590 11/18/2010
CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE, CA 92618-3731

EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2422

NOTIFICATION DATE	DELIVERY MODE
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11/18/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mklein@cusa.canon.com
skalminov@cusa.canon.com
IPDocketing@cusa.canon.com



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NOV 18 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Commissioner for Patents
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P.O. Box 1450
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CANON U.S.A. INC. INTELLECTUAL
PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE CA 92618-3731

In re Application of: Urabe et al.
Application No. 11/939,284
Filed: November 13, 2010
For: VIDEO PROCESSING APPARATUS
AND CONTROL METHOD FOR THE
VIDEO PROCESSING APPARATUS

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the renewed petition under 37 CFR 1.102(d), filed October 13, 2010, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
 - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
 - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the Japanese application(s);
- b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
- c. A statement that the English translation is accurate;

(3) Applicant must:

- a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
- b. Submit a claim correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s);
- b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
- b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

Application SN 11/939,284.
Decision on Petition

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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TRASKBRITT/BATTELLE ENERGY ALLIANCE, LLC
PO BOX 2550
SALT LAKE CITY UT 84110

MAILED

SEP 01 2011

OFFICE OF PETITIONS

In re Application of	:
NOVACK ET AL	:
Application No. 11/939,342	: DECISION ON PETITION
Filed: November 13, 2007	: UNDER 37 CFR 1.313(c)
Attorney Docket No. BA-238	:

This is a decision on the petition under 37 CFR 1.313(c), filed August 31, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 11, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2878 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11939360	
Filing Date	13-Nov-2007	
First Named Inventor	Alexander Harmon	
Art Unit	1657	
Examiner Name	DAVID NAFF	
Attorney Docket Number	026038.0220PTUS	
Title	IN VITRO EXPANSION OF POSTPARTUM-DERIVED CELLS USING MICROCARRIERS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <u>32042</u>		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: <u>27777</u>		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Scott A. Chambers/	
Name	Scott A. Chambers	
Registration Number	37573	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 14, 2012

In re Application of :

Alexander Harmon

Application No : 11939360

Filed : 13-Nov-2007

Attorney Docket No : 026038.0220PTUS

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 14, 2012

The request is **APPROVED**

The request was signed by Scott A. Chambers (registration no. 37573) on behalf of all attorneys/agents associated with Customer Number 32042 . All attorneys/agents associated with Customer Number 32042 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 27777 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4/22/2011 Paper No.: _____
 TO SPE OF : ART UNIT 3676 BOMMA Thomas spe
 SUBJECT : Request for Certificate of Correction for Appl. No.: 11/839361 Patent No.: 7506645
 CofC mailroom date: 4/13/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

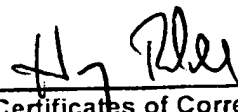
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
 Randolph Square – 9D10-A
 Palm Location 7580



 Certificates of Correction Branch
 703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____



 SPE

3676
 Art Unit



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P.O. BOX 1450
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WWW.USPTO.GOV

Paper No.

QUARLES & BRADY LLP
33 E. MAIN ST, SUITE 900
P.O BOX 2113
MADISON WI 53701-2113

MAILED

OCT 04 2010

OFFICE OF PETITIONS

In re Application of	:	
Lisa S. D. Emmett, Theresa	:	
Gratsch, K. Sue O'Shea, J.	:	
Matthew Velkey, Michael J.	:	
Welsh, and William Wu	:	
Application No. 11/939,434	:	DECISION ON THIRD RENEWED
Filed: November 13, 2007	:	PETITION PURSUANT TO
Attorney Docket Number: UM-	:	37 C.F.R. § 1.47(A)
30244/US-1/CON	:	
Title: COMPOSITIONS AND METHODS	:	
FOR GENERATING TRANSGENIC	:	
ANIMALS	:	

This is in response to the third renewed petition pursuant to 37 C.F.R. § 1.47(a), filed July 13, 2010.

This third renewed petition pursuant to 37 C.F.R. § 1.47(a) is **GRANTED**.

On November 13, 2007, the application was filed, identifying Lisa S. D. Emmett, Theresa Gratsch, K. Sue O'Shea, J. Matthew Velkey, Michael J. Welsh, and William Wu as joint inventors. An executed oath or declaration was not included on filing. On January 23, 2009, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing

- the application, as set forth in 37 C.F.R. § 1.16(f);
- (3) a statement of the last known address of each non-signing inventor;
 - (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to each non-signing inventor for review and proof that each non-signing inventor refuses to join in the application or
 - b) proof that each non-signing inventor cannot be found or reached after diligent effort, and;
 - (5) a declaration which complies with 37 C.F.R. § 1.63.

An original petition pursuant to 37 C.F.R. § 1.47(a) was filed on August 21, 2009, and was dismissed via the mailing of a decision on September 30, 2009 which indicated that requirements (1) - (4) of Rule 1.47(a) had been satisfied. A renewed petition was filed on February 23, 2010, and was dismissed via the mailing of a decision on March 29, 2010, which indicated that the concurrently submitted supplemental Application Data Sheet (ADS) could not be accepted. A second renewed petition pursuant to 37 C.F.R. § 1.47(a) was filed on April 26, 2010, supplemented on June 25, 2010, and dismissed via the mailing of a decision on June 29, 2010, via the mailing of a decision which indicated that the two Supplemental ADS that were submitted concurrently with the second renewed petition and the supplement to the same could not be accepted, as they fail to comply with 37 C.F.R. § 1.76(a), in that they do not "contain all of the section headings listed in paragraph (b) of" Rule 1.76.

With this third renewed petition, Petitioner has submitted an acceptable "Second Supplemental Application Data Sheet." It follows that the fifth requirement of Rule 1.47(a) has been satisfied.

Consequently, each of the requirements of 37 C.F.R. § 1.47(a) has been met.

The above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. § 1.47(a). This application is hereby accorded Rule § 1.47(a) status.

As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventors at the addresses that appear on the supplemental ADS that was submitted on July 13, 2010. Notice of the filing of this application will also be published in the Official Gazette.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Lisa S. D. Emmett
136 Hickory Lane
Luthersburg, PA 15848

In re Application of	:	MAILED
Lisa S. D. Emmett, Theresa	:	OCT 04 2010
Gratsch, K. Sue O'Shea, J.	:	OFFICE OF PETITIONS
Matthew Velkey, Michael J.	:	
Welsh, and William Wu	:	
Application No. 11/939,434	:	LETTER
Filed: November 13, 2007	:	
Attorney Docket Number: UM-	:	
30244/US-1/CON	:	
Title: COMPOSITIONS AND METHODS	:	
FOR GENERATING TRANSGENIC	:	
ANIMALS	:	

Dear Ms. Emmett:

You are named a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below

would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

cc: QUARLES & BRADY LLP
33 E. MAIN ST, SUITE 900
P.O BOX 2113
MADISON WI 53701-2113



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Theresa Gratsch
1414 Argyle
Ann Arbor, MI 48103

MAILED

OCT 04 2010

OFFICE OF PETITIONS

In re Application of :
Lisa S. D. Emmett, Theresa :
Gratsch, Kathy Sue O'Shea, J. :
Matthew Velkey, Michael J. :
Welsh, and William Wu :
Application No. 11/939,434 : LETTER
Filed: November 13, 2007 :
Attorney Docket Number: UM- :
30244/US-1/CON :
Title: COMPOSITIONS AND METHODS :
FOR GENERATING TRANSGENIC :
ANIMALS :

Dear Ms. Gratsch:

You are named a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below

would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

cc: QUARLES & BRADY LLP
33 E. MAIN ST, SUITE 900
P.O BOX 2113
MADISON WI 53701-2113



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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Kathy Sue O'Shea
2851 Whirlpool Lane
Ann Arbor, MI 48103

MAILED

OCT 04 2010

OFFICE OF PETITIONS

In re Application of :
Lisa S. D. Emmett, Theresa :
Gratsch, Kathy Sue O'Shea, J. :
Matthew Velkey, Michael J. :
Welsh, and William Wu :
Application No. 11/939,434 : LETTER
Filed: November 13, 2007 :
Attorney Docket Number: UM- :
30244/US-1/CON :
Title: COMPOSITIONS AND METHODS :
FOR GENERATING TRANSGENIC :
ANIMALS :

Dear Ms. O'Shea:

You are named a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below

would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

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/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

cc: QUARLES & BRADY LLP
33 E. MAIN ST, SUITE 900
P.O BOX 2113
MADISON WI 53701-2113

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: TI-62458

Patent Number: 7,659,754

Filing Date
(or 371(b) or (f) Date): 11-13-2007

Issue Date: 02/09/2010

First Named
Inventor: Gerhard Thiele

Title: CMOS POWER SWITCHING CIRCUIT USABLE IN DC-DC CONVERTER

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature / Wade J. Brady III /

Date August 2, 2010

Name
(Print/Typed) Wade J. Brady III

Registration Number 32,080

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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United States Patent and Trademark Office
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

Mail Date: 08/11/2010

Applicant	: Gerhard Thiele	: DECISION ON REQUEST FOR
Patent Number	: 7659754	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/939,439	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **99** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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United States Patent and Trademark Office
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HOGAN LOVELLS US, LLP
1999 AVENUE OF THE STARS, SUITE 1400
LOS ANGELES, CA 90067

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of

Art MUCHKAEV

Application No. 11/939,450

Filed: November 13, 2007

Attorney Docket No. 27295.0006

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 25, 2010.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application. In this regard, the address submitted is that of an assignee.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71, or if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71 (c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73 (b) that is signed by a party who is authorized to act on behalf of the assignee.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement

affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The 3.73(b) statement submitted on August 17, 2009 contained the chain of title from the original owner to the assignee in the prior filed application 10/558,901, not that of the above continuation application.

All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a change of correspondence address containing a proper 3.73(b) statement has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-2600.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HOGAN LOVELLS US, LLP
1999 AVENUE OF THE STARS, SUITE 1400
LOS ANGELES, CA 90067

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of

Artem MUCHKAEV

Application No. 11/939,450

Filed: November 13, 2007

Attorney Docket No. **27295.0006**

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 11, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Kevin Shaw on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **MARTEC CORPORATION**
2770 S. MARYLAND PARKWAY, SUITE 300
LAS VEGAS, NV 89101



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11/939,485	13 November, 2007	LEVITT ET AL.	1011-84711-03

KLARQUIST SPARKMAN, LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204		EXAMINER	
		JACK CHIANG	
		ART UNIT	PAPER
		2825	20111215

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Certificate of Correction filed on 6/1/2011 has been approved and entered.

/Jack Chiang/
Supervisory Patent Examiner, Art Unit 2825

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111215

DATE : December 15, 2011

TO SPE OF : ART UNIT 2825

SUBJECT : Request for Certificate of Correction on Patent No.: 7,890,897

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

Certificate of Correction filed 6/1/2011 has been approved and entered.

/JACK CHIANG/
Supervisory Patent Examiner.Art Unit 2825



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND OR 97204

MAILED

SEP 03 2010

In re Application of	:	OFFICE OF PETITIONS
James Donald Brock et al.	:	
Application No. 11/939,542	:	DECISION ON PETITION
Filed: November 13, 2007	:	
Attorney Docket No. 108657-156998	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 15, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed April 15, 2010. Accordingly, the date of abandonment of this application is July 16, 2010. A Notice of Abandonment was mailed on July 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

MAILED

SEP 28 2011

In re Application of
Joseph C. Fjelstad et al
Application No. 11/939,554
Filed: November 14, 2007
Attorney Docket No. NOVIAS-016-
D1/SIPLP108D1

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.78(a)(3) AND (a)(6)**
:
:

This is a decision on the petition filed September 1, 2011, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

The above petition is necessary because the benefit claim for priority to the prior-filed applications was not perfected within the time period set forth in 37 CFR 1.78(a). Therefore, as authorized, the petition fee of \$1,410.00 is being charged to petitioner's deposit account.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, was mailed on November 8, 2010 (a copy was included with the filing of the above petition).

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2835 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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SCHWEGMAN, LUNDBERG &
WOESSNER/RAYTHEON
PO BOX 2938
MINNEAPOLIS, MN 55402

MAILED

OCT 04 2011

OFFICE OF PETITIONS

In re Application of	:	
Anthony Paul Bata, et al.	:	
Application No. 11/939,562	:	DECISION ON PETITION
Filed: November 14, 2007	:	
Attorney Docket No. 1547.187US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

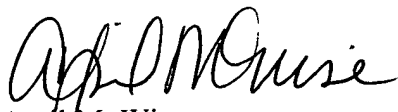
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 13, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2467 for appropriate action by the Examiner in the normal course of business on the reply received September 8, 2011.

A handwritten signature in black ink, appearing to read 'April M. Wise', is written over the typed name.

April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,651	11/14/2007	In-ho PARK	1572.1547	6382
21171 7590 04/11/2012 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER GUILLERMETY, FRED	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 04/11/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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April 11, 2012

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

Re Application of
PARK, IN-HO, ET AL
Application: **11/939651**
Filed: **11/14/2007**
Attorney Docket No: **1572.1547**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

This is a decision on the -Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) September 09, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/939,705	11/14/2007	Stephane MAES	88325-725789 (037700US)	6475
51206 7590 09/12/2011 Kilpatrick Townsend & Stockton LLP/Oracle Two Embarcadero Center 8th Floor San Francisco, CA 94111-3834			EXAMINER DESROSIERS, EVANS	
			ART UNIT 2491	PAPER NUMBER
			MAIL DATE 09/12/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Commissioner for Patents
United States Patent and Trademark Office
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Kilpatrick Townsend & Stockton LLP/Oracle
Two Embarcadero Center
8th Floor
San Francisco CA 94111-3834

MAILED

SEP 12 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 240U

In re Application of:
Stephane Maes
Application No. 11/939,705
Filed: November 14, 2007
For: INTELLIGENT MESSAGE PROCESSING

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181**

This is a decision on the petition filed on June 16, 2011 under 37 CFR § 1.181 requesting withdrawal of the requirement for information made in the final Office Action mailed March 16, 2011.

The petition is **GRANTED**.

BACKGROUND

A first non-final Office Action was mailed on 11/22/2010 requesting information (labeled a-f) pertaining to Information Disclosure Statements filed 4/27/2010 and 7/9/2010. A final Office Action was mailed on 3/16/2011 requesting information (labeled a-f) pertaining to Information Disclosure Statements filed 4/27/2010, 7/9/2010, 11/22/2010 and 1/27/2011.

REGULATIONS AND PRACTICE

MPEP § 609 citing 37 CFR § 1.97 and 1.98. – Information Disclosure Statement

MPEP § 2004 states the following:

While it is not appropriate to attempt to set forth procedures by which attorneys, agents, and other individuals may ensure compliance with the duty of disclosure, the items listed below are offered as examples of possible procedures which could help avoid problems with the duty of disclosure. **Though compliance with these procedures may not be required, they are presented as helpful suggestions for avoiding duty of disclosure problems.**

13. It is desirable to avoid the submission of long lists of documents if it can be avoided.

Eliminate clearly irrelevant and marginally pertinent cumulative information. If a long list is submitted, highlight those documents which have been specifically brought to applicant's attention and/or are known to be of most significance. See *Penn Yan Boats, Inc. v. Sea Lark Boats, Inc.*, 359 F. Supp. 948, 175 USPQ 260 (S.D. Fla. 1972), *aff'd*, 479 F.2d 1338, 178 USPQ 577 (5th Cir. 1973), *cert. denied*, 414 U.S. 874 (1974). But cf. *Molins PLC v. Textron Inc.*, 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995).

OPINION

The Examiner's request or requirement for information labeled a-f (pertaining to Information Disclosure Statements filed 4/27/2010, 7/9/2010, 11/22/201 and 1/27/20011) cited in the Final Office Action and mailed on March, 16, 2011 does not meet the requirements of rules 1.97 and 1.98. While the Office Action did not specifically cite 37 CFR 1.105, the Examiner's request or requirement for information also does not meet the requirements of rule 1.105. Therefore, the Examiner's request or requirement for information is not warranted.

When an applicant submits a long list of documents, the applicant should highlight or identify those documents which have been specifically brought to applicant's attention and/or are known to be of most significance. MPEP 2004 states that this may not be a requirement but is presented as a helpful suggestion for avoiding duty of disclosure problems.

A review of the record indicates that the information disclosure statements filed 4/27/2010, 7/9/2010, 11/22/201 and 1/27/20011 comply with the requirements of 37 CFR 1.97 - 1.98 and therefore the references must be considered. A copy of this decision is being forwarded to the examiner's SPE to notify the examiner to consider the references and mail petitioner a notice indicating that they have been considered.

Any inquiry concerning this decision should be directed to Christopher Grant at (571) 272-7294.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400
Networking, Multiplexing, Cable and Security



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Commissioner for Patents
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P.O. Box 1450
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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

MAILED
APR 16 2012
OFFICE OF PETITIONS

In re Application of :
Mehrman et al. :
Application No. 11/939789 :
Filing or 371(c) Date: 11/14/2007 : **ON PETITION**
Attorney Docket Number: :
PRD 2776USNP :

This is a decision on the Petition under 37 CFR 1.137(b), filed March 8, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed March 25, 2011. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on June 26, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 1625 for processing of the Amendment filed with the petition in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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**CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025**

MAILED

MAY 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Michelle Fisher et al.	:	
Application No. 11/939,821	:	DECISION ON PETITION
Filed: November 14, 2007	:	
Attorney Docket No. PA5598US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 11, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 17, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 18, 2010. A Notice of Abandonment was mailed on April 6, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

As to item (3) the statement of unintentional delay is presently not acceptable since the statement of unintentional delay was not properly signed. The petition was not signed by all of the inventors. See 37 CFR 1.33(b) which states:

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michelle Fisher
2930 Domingo Avenue
Suite 123
Berkeley CA 94705

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of
Michelle Fisher et al.
Application No. 11/939,821
Filed: November 14, 2007
Attorney Docket No. PA5598US

DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 21, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The petition cannot be granted at this time, because the payment of the two (2) month extension of time has not been received. Extensions of time under 37 CFR 1.136(a) is still available. Time is running from the mail date of the petition mailed May 19, 2011. Ensure that the proper payment is submitted with a renewed petition.

It should also be noted that the signature of Michelle Fisher is acceptable for revival of this patent application. The filing of the statement under 37 CFR 3.73(b) filed on July 8, 2011 satisfies the requirement of a proper signature.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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**CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025**

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of
Michelle Fisher et al.
Application No. 11/939,821
Filed: November 14, 2007
Attorney Docket No. PA5598US

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 11, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Myrna M. Schelling on behalf of all attorneys/agents associated with customer number 22830. All attorneys/agents associated with customer number 22830 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Michelle Fisher
2930 Domingo Avenue
Suite 123
Berkeley, CA 94705



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/939,821	11/14/2007	Michelle Fisher	PA5598US

22830
CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK, CA 94025

CONFIRMATION NO. 6674
POWER OF ATTORNEY NOTICE



Date Mailed: 10/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/11/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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DEC 14 2011

OFFICE OF PETITIONS

**DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303-2248**

In re Application of :
Michelle Fisher et al. :
Application No. 11/939,821 : **DECISION ON PETITION**
Filed: November 14, 2007 :
Attorney Docket No. 379842-991120 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 7, 2011, along with a five month extension of time, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 17, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 18, 2010. A Notice of Abandonment was mailed on April 6, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2617 for appropriate action by the Examiner in the normal course of business on the reply received September 19, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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LAWRENCE CRUZ
CONAIR CORPORATION
ONE CUMMINGS POINT ROAD
STAMFORD, CT 06902

MAILED

APR 25 2011

OFFICE OF PETITIONS

In re Application of
Vito James Carlucci
Application No. 11/939,842
Filed: November 14, 2007
Attorney Docket No. 1326/U

ON PETITION

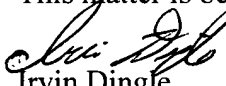
This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 19, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on November 20, 2009.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2834 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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Entropy Matters LLC
P.O. Box 2250
NEW YORK NY 10021

MAILED
FEB 09 2011
OFFICE OF PETITIONS

In re Application of: :
Paul Frank Marella et al. :
Application No. 11/939,983 : PETITION DECISION
Filed: November 14, 2007 :
Attorney Docket No. 5222-05708/P1129/1C :

This is a decision on the petition filed October 25, 2010 under 37 CFR 1.147(a) which is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131.

The petition is **DISMISSED**.

The application as-filed identified eight inventors as the inventive entity. A declaration under 37 CFR 1.131 was filed on October 25, 2010 but was not signed by co-inventor William Volk.

A petition filed under 37 CFR 1.183 requires a petition fee set forth under 37 CFR 1.17(f) which is currently \$400. The petition included a petition fee of \$200 based on the assumption the petition was proper under 37 CFR 1.131. The \$200 balance of the petition fee is charged to petitioner's deposit account.

Petitioner has filed the instant petition to request waiver of the signature of the unavailable inventor, Volk.

MPEP 715.04(I) states in part:

Where one or more of the named inventors of the subject matter of the rejected claim(s) (who had originally signed the oath or declaration for patent application under 37 CFR 1.63) is now unavailable to sign an affidavit or declaration under 37 CFR 1.131, the affidavit or declaration under 37 CFR 1.131 may be signed by the remaining joint inventors provided a petition under 37 CFR 1.183 requesting waiver of the signature of the unavailable inventor be submitted with the affidavit or declaration under 37 CFR 1.131. Proof that the non-signing inventor is unavailable or cannot be found similar to the proof required for a petition under 37 CFR 1.47 must be submitted with the petition under 37 CFR 1.183 (see MPEP § 409.03(d)). Petitions under 37 CFR 1.183 are decided by the Office of Petitions (see MPEP § 1002.02(b)).

The applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. See MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate the non-signing inventor, such that the declaration can be accepted under 37 CFR 1.131. Where inability to find or locate a named inventor is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Volk. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s), such as the Internet. The results of such search should be made in any future petition for reconsideration. See MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Volk's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? At the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the declaration to Volk's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to sign the declaration. The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded that an inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an inventor gives a reason for refusing to sign the affidavit, that reason should be stated in the affidavit or declaration.

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.

A handwritten signature in black ink, appearing to be 'Carl Friedman', with a long horizontal line extending to the right.

Carl Friedman
Petitions Examiner
Office of Petitions



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P.O. Box 2250
NEW YORK NY 10021

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of: :
Paul Frank Marella et al. :
Application No. 11/939,983 : PETITION DECISION
Filed: November 14, 2007 :
Attorney Docket No. 5222-05708/P1129/1C :

This is a decision on the renewed petition filed May 21, 2011, which is being treated as a petition under 37 CFR 1.183 to waive the signature requirement of 37 CFR 1.131.

The petition is **GRANTED**.

The application as-filed identified eight inventors as the inventive entity. Declarations under 37 CFR 1.131(a) were filed on May 21, 2011 but were not signed by one of the inventors, William Volk.

Petitioner has filed the instant petition to request waiver of the signature of the unavailable inventor.

MPEP 715.04(I) states in part:

Where one or more of the named inventors of the subject matter of the rejected claim(s) (who had originally signed the oath or declaration for patent application under 37 CFR 1.63) is now unavailable to sign an affidavit or declaration under 37 CFR 1.131, the affidavit or declaration under 37 CFR 1.131 may be signed by the remaining joint inventors provided a petition under 37 CFR 1.183 requesting waiver of the signature of the unavailable inventor be submitted with the affidavit or declaration under 37 CFR 1.131. Proof that the non-signing inventor is unavailable or cannot be found similar to the proof required for a petition under 37 CFR 1.47 must be submitted with the petition under 37 CFR 1.183 (see MPEP § 409.03(d)). Petitions under 37 CFR 1.183 are decided by the Office of Petitions (see MPEP § 1002.02(b)).

As noted in the above paragraph, proof that the non-signing inventor is unavailable is similar to the proof required under 37 CFR 1.47. This is discussed in MPEP 409.03(d)(II) which states in part:


Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made.

Petitioner has provided sufficient evidence that co-inventor Volk refuses to sign the affidavits and thus is unavailable within the meaning of MPEP 409.03(d)(II). The requirements of MPEP 715.04 are met.

For the reasons stated, the petition is granted.

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.

This application is being forwarded to Technology Center Art Unit 2823.


Carl Friedman
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO, CA 92101

MAILED
SEP 21 2010
OFFICE OF PETITIONS

In re Application of	:	
Webber et al.	:	DECISION ON APPLICATION
Application No. 11/940,009	:	FOR PATENT TERM ADJUSTMENT
Filed: November 14, 2007	:	
Attorney Docket No. 111586-028UTL	:	

This is in response to the "Request for Reconsideration of Patent Term Adjustment Indicated in Notice of Allowance Under 37 CFR 1.705(b)" filed April 9, 2010. Applicants request the initial determination of patent term adjustment be corrected from twenty (20) days to two hundred sixty-five (265) days.

The application for patent term adjustment is **granted to the extent indicated herein**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 153 days. A copy of the updated PALM screen showing the correct determination is enclosed.

Facts

The Office issued a non-final Office action on June 2, 2009.

Applicants filed a reply to the non-final Office action on July 2, 2009. The reply did not make any changes to the drawings and did not include any drawings.

The Office issued a Notice of Non-Compliant Amendment on November 2, 2009. The notice stated, "The drawings are not properly identified in the top margin as 'Replacement Sheet,' 'New Sheet,' or 'Annotated Sheet' as required by 37 CFR 1.121(d)."

A "Response to Notice of Non-Compliant Amendment" was filed November 12, 2009. The response stated no drawings were filed on July 2, 2009, and stated,

[T]he Notice of Non-Compliant Amendment is in error. It is submitted that the amendment of July 2, 2009 was fully compliant with the requirements of 37 CFR 1.121. In view of the prior comments, Applicant respectfully requests

reconsideration and reversal of the Notice of Non-Compliant Amendment [and] entry of the previous response.

The Office issued a Notice of Allowance on March 26, 2010. The examiner's comments mailed with the Notice of Allowance state, "[T]he Notice of non-responsive amendment mailed 11/2/09 has been withdrawn. Applicant's amendment filed 7/2/09 is persuasive, therefore claims 1-25 are allowed."

The Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) issued with the Notice of Allowance advised Applicants of a patent term adjustment to date of 20 days. The 20-day determination is the result of the following patent term adjustment entries by the Office:

1. A 139-day increase in the number of days of patent term adjustment for delay under 37 C.F.R. § 1.703(a)(1);
2. A 133-day reduction in the number of days of patent term adjustment for delay under 37 C.F.R. § 1.704(c)(7); and
3. A 14-day increase in the number of days of patent term adjustment for delay under 37 C.F.R. § 1.703(a)(2).

Applicants assert the 133-day reduction in patent term adjustment was improper and assert the number of days of delay under 37 C.F.R. § 1.703(a)(2) should be 126 days, not 14 days.

Delay Under 37 C.F.R. § 1.704(c)(7)

Pursuant to 37 C.F.R. § 1.704(c)(7), if a reply is submitted which has an omission, then the period of adjustment will be reduced from the time beginning on the day after the submission until the date a reply or other paper correcting the omission is filed.

The Office entered a 133-day reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(7).

Although the Office issued a Notice of Non-Complaint Amendment indicating the July 2, 2009 reply had an omission which must be corrected, the Office later recognized the Notice of Non-Compliant Amendment was improper, withdrew the notice, and issued a Notice of Allowance. Therefore, the entry of the 133-day reduction in patent term adjustment was improper.

In view of the prior discussion, the Office has removed the 133-day reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(7).

Delay Under 37 C.F.R. § 1.703(a)(2)

Pursuant to 37 C.F.R. § 1.703(a)(2), the period of adjustment under 37 C.F.R. 1.702(a) includes,

The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first.

Applicants assert the correct number of days of delay under 37 C.F.R. § 1.703(a)(2) is 126 days because the Notice of Allowance was issued 4 months and 226 days after Applicants filed the July 2, 2009 reply. The Office notes the Notice of Allowance was actually issued 4 months and 144 days after Applicants filed the July 2, 2009 reply.

The Office mailed the Notice of Non-Compliant Amendment on November 2, 2009, exactly four months after Applicants filed the July 2, 2007 reply. Therefore, the Office did not take more than four months to issue either an action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151.

The Office recognizes the examiner's comments issued with the Notice of Allowance stated the Notice of Non-Compliant Amendment was improper and withdrawn. However, the examiner's comments do not negate the fact the Office issued an action under 35 U.S.C. § 132 within four months of Applicants filing the July 2, 2007 reply. Therefore, an increase in the patent term adjustment under 37 C.F.R. § 1.703(a)(2) for Office delay in responding to the July 2, 2007 reply is unwarranted.

The Office issued the Notice of Allowance 4 months and 14 days after Applicants filed a response to the Notice of Non-Compliant amendment on November 12, 2009. Therefore, although an increase in patent term adjustment under 37 C.F.R. § 1.703(a)(2) is unwarranted for Office delay in responding to the July 2, 2007 reply, a 14-day increase in patent term adjustment under 37 C.F.R. § 1.703(a)(2) is warranted for Office delay in responding to the response filed November 12, 2009.

In view of the prior discussion, the number of days of delay under 37 C.F.R. § 1.703(a)(2) is 14 days.

Conclusion

The 133-day reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(7) was improper and has been removed.

The proper patent term adjustment is 153 days, which is the sum of 139 days of delay under 37 C.F.R. § 1.703(a)(1) and 14 days of delay under 37 C.F.R. § 1.703(a)(2).

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

Applicants are reminded that any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 C.F.R. § 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of REVISED PALM screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 11940009 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 11940009

Application Filing Date	11/14/2007	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	153
A Delays	153	PTO Manual Adjustment	133
B Delays	0	Applicant Delay (APPL)	133
C Delays	0	Total PTA (days)	153

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
53	09/20/2010		P028	Adjustment of PTA Calculation by PTO	133	0	
40	03/26/2010	03/12/2010	MM/5	Mail Notice of Allowance	14	32	
39	03/10/2010		IREV	Issue Revision Completed		0	
38	03/10/2010		DVER	Document Verification		0	
37	03/10/2010		N/5	Notice of Allowance Data Verification Completed		0	
36	02/16/2010		CNTA	Notice of Allowability		0	
33	11/19/2009		FWDX	Date Forwarded to Examiner		0	
32	11/12/2009	07/02/2009	A...	Response after Non-Final Action	133	27	
31	11/02/2009		ENL_NTR	Email Notification		0	
30	11/02/2009		NINA	Mail Notice of Informal or Non-Responsive Amendment		0	
28	08/14/2009		FWDX	Date Forwarded to Examiner		0	
27.1	07/02/2009		A.I.	Informal or Non-Responsive Amendment after Examiner Action		0	
27	07/02/2009		A...	Response after Non-Final Action		0	
26	06/09/2009		ENL_NTR	Email Notification		0	
25	06/09/2009		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
24	06/04/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
23	06/03/2009		ELC_RVW	Electronic Review		0	
22	06/02/2009		ENL_NTR	Email Notification		0	
21	06/02/2009	01/14/2009	MCTNF	Mail Non-Final Rejection	132	-1	
20	05/26/2009		CTNF	Non-Final Rejection		0	
17	05/15/2009		ENL_NTR	Email Notification		0	
16	05/14/2009		PG-ISSUE	PG-Pub Issue Notification		0	
29	04/13/2009		EIDS	Electronic Information Disclosure Statement		0	
18	04/13/2009		IDSC	Information Disclosure Statement considered		0	
15	04/13/2009		WIDS	Information Disclosure Statement (IDS) Filed		0	
14	04/04/2008		DOCK	Case Docketed to Examiner in GAU		0	
13	04/03/2008		DOCK	Case Docketed to Examiner in GAU		0	
12	02/14/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete		0	
19	01/17/2008		IDSC	Information Disclosure Statement considered		0	
11	01/17/2008		RCAP	Reference capture on IDS		0	
10	01/17/2008		WIDS	Information Disclosure Statement (IDS) Filed		0	
8	01/17/2008		WIDS	Information Disclosure Statement (IDS) Filed		0	
7	01/17/2008		OIPE	Application Dispatched from OIPE		0	
6	12/10/2007		ENL_NTR	Email Notification		0	
4	12/10/2007		FLRCPT.O	Filing Receipt		0	
5	12/09/2007		PGPC	Sent to Classification Contractor		0	
3	11/21/2007		L194	Cleared by OIPE CSR		0	
2	11/16/2007		SCAN	IFW Scan & PACR Auto Security Review		0	
1	11/14/2007		TEXX	Initial Exam Team nn		0	

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In re Application of :
Johnson et al. : ON REQUEST FOR
Application No. 11/940017 : RECONSIDERATION OF
Filing or 371(c) Date: 11/14/2007 : PATENT TERM ADJUSTMENT
Atty Docket No.: :
098888-2032 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. § 1.705(b), filed May 2, 2011. Applicant requests an adjustment of the patent term to indicate a total Patent Term Adjustment of 461 days, not 186 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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MINNEAPOLIS, MN 55440-1022

In re Application of	:	
Jun Wu, et al.	:	
Application No.: 11/940,079	:	ON PETITION
Filed: November 14, 2007	:	
Attorney Docket No.: 4243-0147PUS1	:	

This is a decision on the petition, filed April 21, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 13, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2161 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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In re Patent of Wu et al.	:
Patent No. 8,019,748	:
Issue Date: September 13, 2011	:
Application No. 11/940,079	:
Filed: November 14, 2007	:
Attorney Docket No. 16113-	:
0731001	:
Title: WEB SEARCH REFINEMENT	:
	:

This is a decision on the petition filed on November 10, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred nine (409) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED**.

BACKGROUND

On September 13, 2011, the above-identified application matured into U.S. Patent No. 8,019,748, with a revised patent term adjustment of 276 days. On November 10, 2011, patentees timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 409. Patentees maintain that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b). Patentees contend that the Office erred in subtracting from the "B delay" a period of time that was not "consumed by continued examination of the application." Specifically, Patentees argue that (after the filing of the request for continued examination) the Office mailed a Notice of Allowance on May 4, 2011, thereby closing examination of the

application on that date. Thus, Patentees argue no continued examination took place during the 133 day period from May 4, 2011 (the mailing date of the Notice of Allowance) until September 13, 2011 (the date the patent was issued). As such, Patentees maintain that the "B delay" should include the 133 days and be increased from 0 to 133 days. Patentees conclude that the correct patent term adjustment is 409 days (the sum of 342 days of "A delay" and 133 days of "B delay" minus 66 days of Applicant delay).

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including -

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Patentees' arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 0 days based on the application having been filed under 35 U.S.C. 111(a) on November 14, 2007 and the patent not having issued as of the day after the three year date, November 15, 2010, and a request for continued examination under 132(b) having been filed on August 30, 2010. In other words, the 133 day period beginning on the date of mailing of the notice of allowance to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;
(2) Abandonment of the application; or
(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentees do not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentees' argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F.Supp.2d 138 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and

not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)². Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b) (the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henver, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the insurance

of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued

³ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

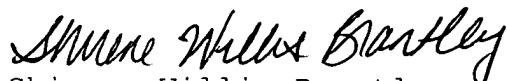
All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was filed on August 30, 2010, and the patent issued by virtue of that request on September 13, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on May 4, 2011 and ending on September 13, 2011 is not included in calculating Office delay.

CONCLUSION

In view thereof, it is concluded that the patent term adjustment of 276 days indicated on the patent is correct.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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November 30, 2010

Christa Hildebrand.
Norris McLaughlin & Marcus, P.A.
875 Third Avenue, 8th Floor
New York, NY 10022

Patent No. : 7,763,762 B2
Ser. No. : 11/940,082
Inventor(s) : Wilfried Schlobohm, et al.
Issued : July 27, 2010
Docket No. : 106414-3
Title : METHOD FOR UNPRESSURIZED CATALYTIC CONVERSION OF ORGANIC SOLIDS INTO OILS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp. 1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-0025
 ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Specify the column and line number in the printed patent for each instance in the remainder of your request.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460 or (703) 756-1814

vt



UNITED STATES PATENT AND TRADEMARK OFFICE

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March 15, 2011

Anavelys Ortiz-Suarez
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Patent No. : 7,842,472 B2
Ser. No. : 11/940,111
Inventor(s) : Gunars Valkirs, et al.
Issued : November 30, 2010
Docket No. : 36671-779.201
Title : **METHODS AND COMPOSITIONS FOR MONITORING AND RISK PREDICTION IN
CARDIORENAL SYNDROME**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. **the processing fee set forth in 37 CFR 1.17(i) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460 or (703) 756-1814

vt



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INVERNESS MEDICAL INNOVATIONS/WSGR
WILSON SONSINI GOODRICH & ROSATI, P.C.
650 PAGE MILL ROAD
PALO ALTO CA 94304

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Patent No. 7,824,472
Issue Date: November 30, 2010
Application No. 11/940,111
Filed: November 14, 2007
Attorney Docket No. 36671-779.201

ON PETITION

This is a decision on the paper filed May 11, 2011, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "ALERE SAN DIEGO, INC., San Diego, CA (US)."

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that an assignment to "ALERE SAN DIEGO, INC., SAN DIEGO, CA (US)." was recorded on **March 10, 2011**. Accordingly, issuance of a certificate of correction would not be proper for "ALERE SAN DIEGO, INC., SAN DIEGO, CA (US)."

Application No. 11/940,111
Patent No. 7,842,472

-2-

Telephone inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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MAILED

JUN 23 2011

OFFICE OF PETITIONS

**MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033**

In re Application of	:	
WERNET, et al	:	
Application No. 11/940,278	:	DECISION ON PETITION
Filed: November 14, 2007	:	TO WITHDRAW
Attorney Docket No. 1070/0103PUS2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 23, 2011.

The request is **DISMISSED**.

The Request cannot be accepted because Petitioner has not complied with current USPTO requirements as set forth in 37 CFR 10.40. In this regard, the Office requires the practitioner(s) requesting withdrawal to certify that he, she or they have:

- (1) given reasonable notice to the client, prior to the expiration of the response period, that practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40(c).

Petitioner has not complied with item (1) of the above-identified certifications.

Further, the request to withdraw from record cannot be approved because no address has been provided for future communications from the Office. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the

entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. 37 CFR 3.71 states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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July 13, 2011

APPLE INC.
c/o Fletcher Yoder, PC
P.O. Box 692289
Houston TX 77269-2289

In re Application of	:	
John Fergal Mohan et al.	:	DECISION ON PETITION
Application No. 11940295	:	
Filed: 11/14/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. P2700USC1/APPL:0164-1	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 17, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/940,295	11/14/2007	Fergal John Mohan	P2700USC1/APPL:0164-1	7521
7590 07/14/2011			EXAMINER	
APPLE INC. c/o Fletcher Yoder, PC P.O. Box 692289 Houston, TX 77269-2289			CHEA, PHILIP J	
			ART UNIT	PAPER NUMBER
			2492	
			MAIL DATE	DELIVERY MODE
			07/14/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED

MAY 24 2011

OFFICE OF PETITIONS

In re Application of	:	
HANDIQUE, Kalyan	:	
Application No. 11/940,315	:	DECISION ON PETITION
Filed: November 14, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. HANLB.029CP3	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed April 26, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.


It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1755 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.


David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/940,315	11/14/2007	1775	1472	HANLB.029CP3	19	2

CONFIRMATION NO. 7565

CORRECTED FILING RECEIPT



OC000000047814943

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 05/23/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Kalyan Handique, Ypsilanti, MI;

Power of Attorney: The patent practitioners associated with Customer Number 20995

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/859,284 11/14/2006
and claims benefit of 60/959,437 07/13/2007
and is a CIP of 1:1/728,964 03/26/2007
which claims benefit of 60/786,007 03/24/2006
and claims benefit of 60/859,284 11/14/2006

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 12/05/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/940,315**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Heater Unit for Microfluidic Diagnostic System

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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IRVINE, CA 92614

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Kalyan Handique, et al.	:	
Application No. 11/940,321	:	DECISION ON PETITION
Filed: November 14, 2007	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: HANLB.029CP2	:	

This is a decision on the petition, filed April 26, 2011, which is being treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional applications as required by 37 CFR 1.78(a)(5)(ii). Further, the non-provisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional applications.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1775 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional applications.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/940,321	11/14/2007	1775	605	HANLB.029CP2	16	4

CONFIRMATION NO. 7578

CORRECTED FILING RECEIPT



OC000000047862853

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 05/25/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Kalyan Handique, Ypsilanti, MI;
Sundares N. Brahmasandra, Ann Arbor, MI;

Power of Attorney: The patent practitioners associated with Customer Number 20995

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/859,284 11/14/2006
and claims benefit of 60/959,437 07/13/2007
and is a CIP of 11/728,964 03/26/2007
which claims benefit of 60/859,284 11/14/2006
and claims benefit of 60/786,007 03/24/2006

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 12/03/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/940,321**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Fluorescence Detector for Microfluidic Diagnostic System

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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HENRICKS SLAVIN AND HOLMES LLP
SUITE 200
840 APOLLO STREET
EL SEGUNDO CA 90245

In re Application of
Terrence Csik et al
Application No. 11/940,330
Filed: November 15, 2007
Attorney Docket No. 29501-024

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 4, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 28, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3677 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000**

MAILED

MAY 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Gordon-Kamm et al.	:	DECISION ON PETITION
Application No. 11/940,371	:	TO WITHDRAW
Filed: November 15, 2007	:	FROM RECORD
Attorney Docket No. BB1856USNA (2011)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 11, 2011.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney was revoked by the assignee of record on March 29, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON DE 19899-0951



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AIR PRODUCTS AND CHEMICALS, INC.
PATENT DEPARTMENT
7201 HAMILTON BOULEVARD
ALLENTOWN PA 18195-1501

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of :
Peng ZHANG et al. :
Application No. 11/940,374 : **DECISION ON PETITION**
Filed: November 15, 2007 :
Attorney Docket No. 06293P3D USA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 03, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 02, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 03, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of June 02, 2010 is accepted as having been unintentionally delayed.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/959,067 filed December 02, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JAN 10 2011

OFFICE OF PETITIONS

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Patent No. 7,719,760
Issue Date: May 18, 2010
Application No. 11/940,379
Filed: November 15, 2007
Attorney Docket No. SHI-115

DECISION ON PETITION

This is a decision on the Request For A Patent To Be Corrected To Add The Omitted Name Of A Second Assignee And To Correct The Inventor's Name and Request For Certificate Of Correction Under 37 C.F.R. §1.323, filed July 12, 2010, requesting correction on the Title Page of the subject patent to add the second assignee's name and residence and correct the spelling of the ninth inventor's name. The requests are being treated as a Petition Under 37 CFR §3.81(b). A completed Certificate of Correction Form (PTO/SB/44) was submitted with petition

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to add the second assignee's name and residence and correct the spelling of the ninth inventor's name on the previously submitted PTOL-85B and such error was a clerical error. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the second assignee's name and residence and correct the spelling of the ninth inventor's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent No. 7,719,760
Application No. 11/940,379
Decision on Petition under 37 CFR 3.81

Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), has been submitted. However, the \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), was accompanied deposit account authorization to charge any required fees. As such, the fee has been charged as authorized. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form PTO/SB/44 submitted with Petition.

Inquiries related this communication should be directed to undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,719,760.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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AUG 08 2011

OFFICE OF PETITIONS

**BRINKS HOFER GILSON & LIONE/
YAHOO! OVERTURE
P.O. BOX 10395
CHICAGO IL 60610**

In re Application of :
AIZEN, et al :
Application No. 11/940,387 : **DECISION ON PETITION**
Filed: November 15, 2007 :
Docket No. 12729-772 (Y07577US00) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 20, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 21, 2011. A Notice of Abandonment was mailed June 3, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1110 extension of time fee submitted with the petition on July 8, 2011, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 23-1925.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2155 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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NEC LABORATORIES AMERICA, INC.
4 INDEPENDENCE WAY
Suite 200
PRINCETON NJ 08540

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JUN 27 2011

OFFICE OF PETITIONS

In re Application of	:	
Yuanqui LUO et al.	:	ON PETITION
Application No. 11/940,419	:	
Filed: November 15, 2007	:	
Atty. Docket No.: 06070	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

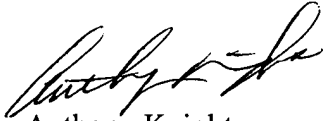
The application was held abandoned for failure to reply in a timely manner to the non-final Office action mailed August 6, 2010, which set a shortened statutory period for reply of three (3) months. No reply was received, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned November 7, 2010. A Notice of Abandonment was mailed February 18, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the non-final Office action mailed August 6, 2010, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 2613 for further action on the filed Response.

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

Anthony Knight
Director
Office of Petitions

cc: James J. Bitetto
425 Broadhollow Road, Ste. 302
Melville, New York 11747



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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE, SUITE 500
MCLEAN, VA 22102-3833

MAILED

MAR 15 2011

In re Application of	:	OFFICE OF PETITIONS
Akira KURIYAMA, et al.	:	
Application No. 11/940,464	:	DECISION GRANTING PETITION
Filed: November 15, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. XA-10941	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 14, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 1, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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INTERNATIONAL BUSINESS
MACHINES CORPORATION
RICHARD LAU
IPLAW DEPARTMENT / BLDG 008-2
2455 SOUTH ROAD - MS P386
POUGHKEEPSIE NY 12601

MAILED

AUG 19 2010

OFFICE OF PETITIONS

DECISION

In re Application of
Carlson, et al.
Application No. 11/940,558
Filed/Deposited: 15 November, 2007
Attorney Docket No. POU920070013US3

This is a decision on the petition filed on 12 July, 2010, to revive an application under 37 C.F.R. §1.137(b) as having been abandoned due to unintentional delay.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee. (It does not appear that a terminal disclaimer and fee are required here.)

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 24 February, 2010, with reply due under a non-extendable deadline on or before 24 May, 2010.

The application went abandoned by operation of law after midnight 24 May, 2010.

Application No. 11/940,558

The Office mailed a Notice of Abandonment on 6 July, 2010.

On 12 July, 2010, Petitioner filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, with reply in the form of fees due, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).² The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.³))

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

³ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 11/940,558

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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INTERNATIONAL BUSINESS MACHINES CORPORATION
Richard Lau
IPLAW DEPARTMENT / Bldg 008-2
2455 SOUTH ROAD - MS P386
POUGHKEEPSIE NY 12601

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SEP 17 2010

OFFICE OF PETITIONS

In re Application of :
Scott M. Carlson, et al. :
Application No. 11/940,558 : DECISION GRANTING PETITION
Filed: November 15, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. POU920070013US3 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 16, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 12, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2457 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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BABCOCK & WILCOX POWER GENERATION GROUP, INC.
PATENT DEPARTMENT
20 SOUTH VAN BUREN AVENUE
BARBERTON OH 44203

MAILED

SEP 27 2011

In re Application of :
Sarv :
Application No. 11/940,575 :
Filed: November 15, 2007 :
Attorney Docket No. 7170 :
For: COMBUSTION SYSTEM AND
PROCESS

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition, filed August 4, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the December 6, 2010 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on March 7, 2011. A Notice of Abandonment was mailed on August 2, 2011.

Applicant has submitted an amendment in reply to the December 6, 2010 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the December 6, 2010 non-final Office action, and the \$1,620.00 petition fee.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 3743 for consideration of the amendment filed on August 4, 2011.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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BURNS & LEVINSON, LLP
125 SUMMER STREET
BOSTON MA 02110

MAILED
SEP 14 2010
OFFICE OF PETITIONS

In re Application of :
G. Brandt Taylor, et al. :
Application No. 11/940,603 : **DECISION ON PETITION**
Filed: November 15, 2007 :
Attorney Docket No. 40795-107CIP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 19, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed May 19, 2010. Accordingly, the date of abandonment of this application is August 20, 2010. The Notice of Abandonment was mailed September 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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THE GRAFE LAW OFFICE, P.C.
P.O. BOX 2689
CORRALES NM 87048

MAILED

JUN 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Flynn, Edward R.	:	
Application No. 11/940,673	:	ON PETITION
Filed: November 15, 2007	:	
Attorney Docket No. 32078-1002	:	

This is a decision on the petition, filed May 2, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of September 29, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before December 29, 2010.

Petitioner states that a timely reply was mailed via certificate of mailing on January 16, 2011, which included an Amendment, including a petition for one-month extension of time. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated January 16, 2011, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of September 29, 2010 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed on January 16, 2011.

This application is being referred to Technology Center AU 3777 for appropriate action in the normal course of business on the reply received with petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110520

DATE : May 20, 2011

TO SPE OF : ART UNIT 2828

SUBJECT : Request for Certificate of Correction on Patent No.: 11/940,741

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/JESSICA STULTZ/
Supervisory Patent Examiner.Art Unit 2828

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **02/17/11**

TO SPE OF : ART UNIT: **2189 Attn: BRAGDON REGINALD G (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/940745 Patent No.: 7870351

CofC Mailroom date: 01/31/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: changes approved

/Reginald G. Bragdon/
SPE

2189
Art Unit



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LAW OFFICE OF DAVID H. JUDSON
15950 DALLAS PARKWAY
SUITE 225
DALLAS TX 75248

MAILED
JAN 05 2012
OFFICE OF PETITIONS

In re Application of :
David Shaw : DECISION ON PETITION
Application No. 11/940,763 :
Filed: November 15, 2007 :
Atty Docket No. AKAM-019C :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed December 16, 2011.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed May 23, 2011. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply timely filed and no extension of time obtained, the application became abandoned effective August 24, 2011. A courtesy Notice of Abandonment was mailed on December 8, 2011.

The petition includes the required reply, the statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Technology Center AU 2441 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed December 16, 2011.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

/Nancy Johnson/

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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HRL LABORATORIES, LLC
3011 MALIBU CANYON RD.
MALIBU CA 90265

In re Application of

YAP, DANIEL

Application No.: 11/940,944

Filing or 371(c) Date: November 15, 2007

Attorney Docket Number: 051247

FEB 15 2011

:
: DECISION ON
: PETITION
:

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on February 2, 2011.

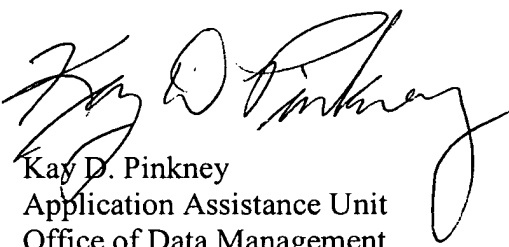
This petition is **GRANTED**.

The application was inadvertently abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance mailed January 18, 2011 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on February 2, 2011.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on January 6, 2011. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission. As authorized, the issue fee of \$1510.00 was charged to Deposit Account.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.



Kay D. Pinkney
Application Assistance Unit
Office of Data Management



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FISH & RICHARDSON P.C. (NY)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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DEC 21 2010

In re Application of	:	OFFICE OF PETITIONS
Mehran Mirkazemi-Moud et al.	:	
Application No. 11/940,978	:	DECISION ON PETITION
Filed: November 15, 2007	:	
Attorney Docket No. 28034-0008002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 14, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 14, 2010. Accordingly, the date of abandonment of this application is October 15, 2010. A Notice of Abandonment was mailed on October 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

37 CFR 1.137(b)(3) requires a statement that “the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.” Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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Paper No.

LOCKE LORD BISSELL &
LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON TX 77002-3095

MAILED
JAN 10 2012
OFFICE OF PETITIONS

In re Application of :
Poplinger et al. : DECISION ON
Application No. 11/940,988 : PETITION
Filed: November 15, 2007 :
Atty Docket No. 0023690-002US :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed December 21, 2011.

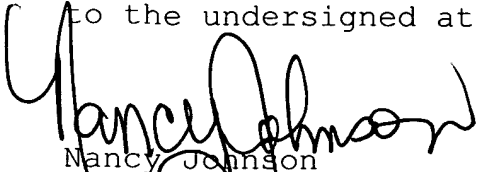
The petition is **GRANTED**.

The above-identified application was abandoned for failure to file a reply to the final Office action mailed March 21, 2011. This Office action set a shortened statutory period for reply of three (3) months from the mail date of the action. No reply received and no extension of time obtained, the application became abandoned effective June 22, 2011. A courtesy Notice of Abandonment was mailed on October 14, 2011.

On petition, petitioner submitted a Request for Continued Examination (RCE) and submission under \$1.114 (in the form of the previously submitted after-final amendment) (and RCE fee); paid the petition fee; and made the required statement of unintentional delay.

Technology Center AU 3638 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the RCE and submission submitted on petition filed December 21, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with a large, looping initial "N" and a cursive "Johnson".

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/941,009	11/15/2007	Ori Zaltzman	08226/0207914-US0	8859
38880	7590	02/17/2011		
Yahoo! Inc. c/o Frommer Lawrence & Haug LLP 745 Fifth Avenue NEW YORK, NY 10151			EXAMINER HUYNH, CONG LAC T	
			ART UNIT	PAPER NUMBER
			2178	
			MAIL DATE	DELIVERY MODE
			02/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Yahoo! Inc.
c/o FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
NEW YORK NY 10151

In re Application of:
ZALTZMAN, Ori et al.
Appl. No.: 11/941,009
Filed: November 15, 2007
For: **TRUST BASED MODERATION**

**RESPONSE TO PETITION
UNDER 37 CFR § 1.59**

This is a decision on the petition under 37 CFR § 1.59(b), filed June 2, 2009, to expunge information inadvertently filed electronically with the Information Disclosure Statement on May 28, 2009.

The petition is **GRANTED**.

Petitioner states that the "Information Disclosure Statement filed on May 28, 2009 inadvertently included a transmittal and PTO/SB/08 which are unrelated to the subject patent application. Failure to expunge the documents which were unintentionally submitted will cause irreparable harm to the party on whose behalf the information was submitted." The petition fee set forth in 37 CFR § 1.17(f) and (g) has been paid.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

The expunged material has been closed from public view and will not be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is 571-272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100



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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of
Walker et al.
Application No. 11/941,014
Filed: November 15, 2007
Attorney Docket No. 061703

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

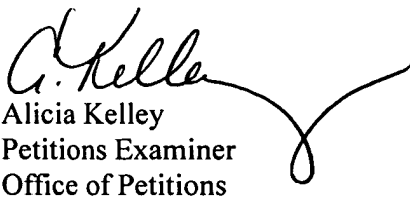
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 12, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 13, 2010

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,730 extension of time fee submitted with the petition on October 15, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center 2467 for further examination on the merits


Alicia Kelley
Petitions Examiner
Office of Petitions



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FISH & RICHARDSON P.C. (DC)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Application of :
Shunpei Yamazaki :
Application No. 11/941,147 : DECISION GRANTING PETITION
Filed: November 16, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12732-0076004 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 24, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 23, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2813 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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OTTERSTEDT, ELLENBOGEN & KAMMER, LLP
P.O. BOX 381
COS COB, CT 06807-0381

MAILED

FEB 22 2012

OFFICE OF PETITIONS

ON PETITION

In re Application of
Scott W. Ramsdell, et al.
Application No. 11/941,153
Filed: November 16, 2007
Attorney Docket No: TWC 07-19/1033-8

This is a decision on the petition, filed January 18, 2012, to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 17, 2012. On January 18, 2012, the present petition was filed. A Notice of Abandonment was subsequently mailed on January 27, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,740 and the publication fee of \$300, (2) the petition fee of \$1,860; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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**NORMAN F. HAINER, JR.
SMITH & NEPHEW, INC.
150 MINUTEMAN ROAD
ANDOVER MA 01801**

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of :
Huckle et al. :
Application No. 11/941,231 : **DECISION ON PETITION**
Filed: November 16, 2007 :
Attorney Docket No. PT-2953-US-NP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed, October 22, 2010, which set a shortened statutory period for reply of three (3) months. A two-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on March 25, 2011. A Notice of Abandonment was mailed June 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) (previously submitted June 20, 2011) and fee of \$810.00 and the submission required by 37 CFR 1.114 (previously submitted March 22, 2011), (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

Further, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 3774 for processing of the Request for Continued Examination under 37 CFR 1.114 (previously submitted on June 20, 2011) and the Amendment filed March 22, 2011.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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BOHAN MATHERS
PO BOX 17707
PORTLAND ME 04112-8707

MAILED

OCT 04 2011

OFFICE OF PETITIONS

In re Application of :
Greiving, et al. :
Application No. 11/941,248 : DECISION
Filed/Deposited: 16 November, 2007 :
Attorney Docket No. 07-135 :

This is a decision on the petition filed on 24 August, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegation of
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper showing/statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(b).

BACKGROUND

As discussed above, a review of the record reveals that:

Petitioner failed to reply timely and properly to the final Office action mailed on 18 February, 2011, with reply due absent extension of time on or before 18 May, 2011.

The application went abandoned by operation of law after midnight 18 May, 2011.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 24 August, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, a reply in the form of a request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 in the form of an amendment, and made the statement of unintentional delay.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{2,3}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

³ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁴

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.


The instant application is released to the Technology Center/AU 1778 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

⁴ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 11/941,248

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FRANCIS L. CONTE
6 PURITAN AVENUE
SWAMPSCOTT MA 01907

MAILED

NOV 01 2011

OFFICE OF PETITIONS

In re Application of :
Jean-Pierre Lair :
Application No. 11/941,360 : DECISION GRANTING PETITION
Filed: November 16, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2993-900US(07-571) :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 25, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 23, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3644 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS and amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 09/15/10

TO SPE OF : ART UNIT 3612

SUBJECT : Request for Certificate of Correction for Appl. N11/941484 / -Pt.: 7738791

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Magdalene Talley

Certificates of Correction Branch

571 272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriatedx.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

D. GLENN DAYOAN

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE

3612
Art Unit



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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Shinichi Hamaguchi, et al.	:	
Application No. 11/941,488	:	DECISION GRANTING PETITION
Filed: November 16, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P33304	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, June 6, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 19, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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Decision Date : April 14,2011

In re Application of :

Takehisa ISHIKAWA

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11941539

Filed : 16-Nov-2007

Attorney Docket No : 06-53360

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 14,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2885 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11941539	
Filing Date	16-Nov-2007	
First Named Inventor	Takehisa ISHIKAWA	
Art Unit	2885	
Examiner Name	ISMAEL NEGRON	
Attorney Docket Number	06-53360	
Title	ELECTRONIC APPARATUS AND ILLUMINATING DEVICE HAVING A TRANSLUCENT MEMBER WITH INCIDENT LINES OF PROTRUSIONS.	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Raphael A. Valencia/
Name	Raphael A. Valencia
Registration Number	43216



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**WILLIAM H. DIPPERT
ECKERT SEAMANS CHERIN & MELLOTT, LLC
U.S. STEEL TOWER
600 GRANT STREET, 44TH FLOOR
PITTSBURGH PA 15219**

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
Lavi EREZ, et al :
Application No. 11/941,560 :
Filed: November 16, 2007 :
Attorney Docket No. 298856-00035 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of May 28, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is August 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) the required statement of unintentional delay have been received.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3611 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: WILLIAM H. DIPPERT
10 BANK STREET
WHITE PLAINS, NY 10606



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BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

MAILED
DEC 20 2010
OFFICE OF PETITIONS

In re Application of	:	
BEAULIEU, Martin et al.	:	
Application No. 11/941,575	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: November 16, 2007	:	
Attorney Docket No. DSTM 14925-8	:	


This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.


Thurman K. Page
Petitions Examiner
Office of Petitions



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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA GA 30339

MAILED

NOV 16 2011

In re Application of : **OFFICE OF PETITIONS**
Chi-Wen Chen :
Application No. 11/941,579 : **DECISION ON PETITION**
Filed: November 16, 2007 :
Attorney Docket No. 250158-1360 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 12, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 12, 2011. Accordingly, the date of abandonment of this application is October 13, 2011. A Notice of Abandonment was mailed on October 31, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,740 and the publication fee of \$300, (2) the petition fee of \$1,860, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BLDG. MA-1135
HOUSTON, TX 77079

MAILED

SEP 28 2010

OFFICE OF PETITIONS

In re Application of
Carl T. Montgomery, et al.
Application No. 11/941,598
Filed: November 16, 2007
Attorney Docket No. 34278US

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 13, 2010, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 23, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is February 24, 2010.

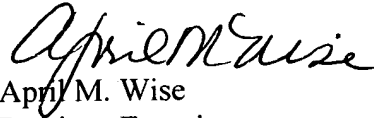
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED** *nunc pro tunc*.

The Technology Center was without authority to act further in the case absent a grantable petition reviving this application after abandonment. Nevertheless, in view of this decision on petition the RCE is now considered a proper filing and the actions of the Technology Center taken thereafter are hereby ratified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3676 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in cursive script, appearing to read "April M. Wise".

April M. Wise
Petitions Examiner
Office of Petitions



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FULBRIGHT & JAWORSKI L.L.P.
98 SAN JACINTO BOULEVARD
SUITE 1100
AUSTIN, TX 78701-4255

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application of :
Michael B. Sporn, et al :
Application No.: 11/941,723 : **ON PETITION**
Filed: November 16, 2007 :
Attorney Docket No.: REAT:023US/10714225 :

This is a decision on the petition, filed August 19, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 6, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1628 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

MAILED

AUG 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Chien Hao Wang	:	
Application No.: 11/941787	:	DECISION ON
Filing or 371(c) Date: 11/16/2007	:	PETITION
Title of Invention:	:	
METHOD FOR MAKING A CIRCUIT	:	
BOARD AND MULTI-LAYER SUBSTRATE	:	
WITH PLATED THROUGH HOLES	:	

This is a decision on the "Request for Withdrawal of Holding of Abandonment – No Abandonment in Fact," filed April 6, 2010. The petition is properly treated under 37 CFR 1.181.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed September 8, 2009. The Office communication set a one (1) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on October 9, 2009. A Notice of Abandonment was mailed July 30, 2010.

The present petition

Applicant files the present petition and provides that a reply to the Office communication was filed on October 7, 2009, albeit for a different application, application no. 11/576447. Applicant asserts that this Office discovered this error in October 2009, but did not notify the attorney for applicant, and simply closed the matter. Applicant asserts that pursuant to 37 CFR 1.5, this Office should have notified applicant's representative of the error. Applicant also cites 37 CFR 1.8(b), and asserts that applicant would have had enough time to respond if the USPTO would

have notified applicant that the response was defective. Applicant files a copy of the reply “which we had believed was filed on October 7, 2009.” Petition at p.2.

Applicable Law, Rules and MPEP

35 U.S.C. § 133, Time for prosecuting application, states:

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

37 CFR 1.135, Abandonment for failure to reply within time period, provides that

- (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
- (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment. (Emphasis supplied).
- (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission. (Emphasis supplied).

MPEP 711.03(c)

Analysis and conclusion

Applicants arguments and evidence have been carefully considered. Initially it is noted that it is Applicants responsibility in the first instance to file a complete and proper reply as the condition of the application requires. Here, Applicant failed to file a complete and proper reply as the condition of the application required. Applicant filed a reply to application no. 11/576447, and not for the present application. The reply was neither complete nor proper as the condition of the application required.

The MPEP, in discussing petitions to withdraw the holding of abandonment, makes clear that “[e]vidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-

90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

Applicant does not allege a failure to receive the Office communication mailed September 8, 2009, to which a reply was required. As stated above, non-receipt of an Office communication other than that to which a reply was required does not warrant withdrawing the holding of abandonment. Applicant may not shift the burden of Applicant's failure to file a complete and proper reply to the Office action to this Office's alleged failure to inform Applicant of deficiencies in his replies.

The MPEP's discussion on revival of an application based upon unavoidable proves instructive. Section 711.03(c) states"

Applicant's petition has been considered. The petition to withdraw the holding of abandonment is dismissed.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Chien Hao Wang	:	
Application No.: 11/941787	:	DECISION ON
Filing or 371(c) Date: 11/16/2007	:	PETITION
Title of Invention:	:	
METHOD FOR MAKING A CIRCUIT	:	
BOARD AND MULTI-LAYER SUBSTRATE	:	
WITH PLATED THROUGH HOLES	:	

This is a decision on the petition to revive an application for patent abandoned unintentionally under 37 CFR 1.137(b), filed September 3, 2010.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed September 8, 2009. The Office communication set a one (1) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on October 9, 2009. A Notice of Abandonment was mailed July 30, 2010.

Applicant files the present petition and response to the Office communication. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response to the Restriction/Election Requirement; (2) the petition fee; and (3) the required statement of unintentional delay are filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center Art Unit 2841 for processing of the response to the Office communication in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

JAN 24 2012

OFFICE OF PETITIONS

In re Patent No. 7,625,769

Issue Date: 12/01/2009

Application No. 11/941,807

Filed: 11/16/2007

Attorney Docket No. 4459-0714PUS1

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 3.81(b) filed December 30, 2011.

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. Patentees submitted a completed Certificate of Correction form and paid the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch.

C-T Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11941816	
Filing Date	16-Nov-2007	
First Named Inventor	Matthew Bloom	
Art Unit	3737	
Examiner Name	CHRISTOPHER COOK	
Attorney Docket Number	MBLOM.002A	
Title	MIR SPECTROSCOPY OF TISSUE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 20995		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Matthew Bloom, MD, MSEE	
Address	1360 Montgomery Street, #10	
City	San Francisco	
State	CA	
Postal Code	94133	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Philip M. Nelson/
Name	Philip M. Nelson
Registration Number	62676



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 26,2011

In re Application of :

Matthew Bloom

Application No : 11941816

Filed : 16-Nov-2007

Attorney Docket No : MBLOM.002A

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 26,2011

The request is **APPROVED**.

The request was signed by Philip M. Nelson (registration no. 62676) on behalf of all attorneys/agents associated with Customer Number 20995 . All attorneys/agents associated with Customer Number 20995 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Matthew Bloom, MD, MSEE
Name2
Address 1 1360 Montgomery Street, #10
Address 2
City San Francisco
State CA
Postal Code 94133
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Patent No. 7,714,012 :
Issue Date: May 11, 2010 :
Application No. 11/941,820 :
Filed: November 16, 2007 :
Attorney Docket No. REAT:025US/10714220 :


ON PETITION

This is a decision on the petition filed June 24, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.


Thurman K. Page
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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P.O. Box 1450
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CHRISTOPHER P. MAIORANA, P.C.
24840 HARPER SUITE 100
ST. CLAIR SHORES MI 48080

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of
Nicolopoulos et al.
Application No. 11/941,835
Filed: November 16, 2007
Attorney Docket No. 1515.00001

:
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.78(a)(3)**
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 15, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed nonprovisional application set forth in the concurrently filed Amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with items (1) and (3) above.

With regards to item (1), when a later-filed application is claiming the benefit of a prior-filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c), the later-filed application must be copending with the prior application or with an intermediate nonprovisional application similarly entitled to the benefit of the filing date of the prior application. Copendency is defined in the clause which requires that the later-filed application must be filed before: (A) the patenting of the prior application; (B) the abandonment of the prior application; or (C) the termination of proceedings in the prior application.

Petitioner is attempting to claim priority from the instant application filed on November 16, 2007 to nonprovisional Application No. 12/714,669, filed on March 1, 2010. However, both 35 U.S.C. 120 and 119(e) are reserved for the benefit of **prior-filed**

applications and therefore no copendency exists between these two applications. Since the applications are not copending, the benefit claim of a prior-filed nonprovisional application is improper. Applicant is required to delete the reference to the later-filed application from the first sentence(s).

Additionally, the instant petition does not comply with item (1) above with regards to nonprovisional Application No. 12/714,669 since there are no common inventors with the instant application. As discussed in MPEP 201.11, the later-filed application must be filed by an inventor or inventors named in the prior-filed application for a benefit claim under 35 U.S.C. 120. There are no common inventors in the instant application and Application No. 12/714,669.

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment correcting the above matters, along with a renewed petition under 37 CFR 1.78(a)(3), is required. No further petition fee is necessary.

With regards to item (3), petitioner has not submitted a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Accordingly, before a petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition, along with a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional must be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Window located at:
 U.S. Patent and Trademark Office
 Customer Service Window Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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CHRISTOPHER P. MAIORANA, P.C.
24840 HARPER SUITE 100
ST. CLAIR SHORES MI 48080

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of	:
Nicolopulos et al.	: DECISION ON PETITION
Application No. 11/941,835	: UNDER 37 CFR 1.78(a)(3)
Filed: November 16, 2007	:
Attorney Docket No. 1515.00001	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed June 27, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

Further, 37 CFR 1.78(a)(2)(ii) requires a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.78(a)(2)(ii), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.78(a)(2)(ii) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to Technology Center Art Unit 3637 for appropriate action on the Amendment filed June 27, 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/941,835	11/16/2007	3637	735	1515.00001	20	2

21615
CHRISTOPHER P. MAIORANA, P.C.
24840 HARPER SUITE 100
ST. CLAIR SHORES, MI 48080

CONFIRMATION NO. 1420
CORRECTED FILING RECEIPT



OC00000048758712

Date Mailed: 07/14/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Stephen Nicolopoulos, Los Angeles, CA;
John Gunther, Belmont, CA;
Thomas A. Moeller, Truckee, CA;

Power of Attorney: The patent practitioners associated with Customer Number 21615

Domestic Priority data as claimed by applicant

This application is a CIP of 11/701,759 02/02/2007 ABN

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 12/05/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/941,835**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: Yes

**** SMALL ENTITY ****

Title

Merchandise Display System

Preliminary Class

211

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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**STEPHEN B. SALAI, ESQ.
HARTER SECREST & EMERY LLP
1600 BAUSCH & LOMB PLACE
ROCHESTER NY 14604-2711**

**MAILED
SEP 30 2011
OFFICE OF PETITIONS**

In re Application of :
MARTINEZ, et al :
Application No. 11/941,845 : DECISION ON PETITION
Filed: November 16, 2007 :
Attorney Docket No. 91943,000391 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 16, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a proper reply to the Notice to File Corrected Application Papers (Notice) mailed June 23, 2011. Applicant was given 2 months from the mail date of the Notice or the time remaining from the Notice of Allowance and Fee(s) Due mailed May 4, 2011, whichever was longer in which to respond. Accordingly, the application became abandoned on August 24, 2011. A Notice of Abandonment was mailed September 13, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Substitute Specification and replacement drawings; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/941,845	11/16/2007	Jim Martinez	91943.000391

CONFIRMATION NO. 1441

POA ACCEPTANCE LETTER



23387

Stephen B. Salai, Esq.
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

Date Mailed: 09/29/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/15/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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United States Patent and Trademark Office
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Stevens Law Group
1754 Technology Drive
Suite #226
San Jose CA 95110

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Shlomo Selim Rakib et al.	:	DECISION ON PETITION
Application No. 11/941,847	:	TO WITHDRAW
Filed: November 16, 2007	:	FROM RECORD
Attorney Docket No. NOVA-01600	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed December 2, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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**Stevens Law Group
1754 Technology Drive
Suite #226
San Jose CA 95110**

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FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Shlomo Selim Rakib et al.	:	DECISION ON PETITION
Application No. 11/941,847	:	TO WITHDRAW
Filed: November 16, 2007	:	FROM RECORD
Attorney Docket No. NOVA-01600	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed January 25, 2011.

The request is **NOT APPROVED**.

Petitioner still has not met the requirements to withdraw as attorney of record. The request cannot be approved because as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

As stated in the previous decision of December 20, 2010, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant

to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

I will also like to bring to petitioner attention that the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Power of Attorney filed August 22, 2008.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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VANCOUVER BC V6E 3Z3
CANADA

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Application of :
Goran Djordjevic : DECISION ON PETITION
Application Number: 11/941866 :
Filing Date: 11/16/2007 :
Attorney Docket Number: :
5022P10US :

This is a decision on the petition filed on June 1, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is GRANTED.

The application became abandoned on May 23, 2010, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on February 22, 2010, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on June 8, 2010.

Receipt of the issue and publication fees is acknowledged.

The application is referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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MENDELSON, DRUCKER, & ASSOCIATES, P.C.
1500 JOHN F. KENNEDY BLVD., SUITE 405
PHILADELPHIA PA 19102

MAILED
AUG 24 2011
OFFICE OF PETITIONS

Patent No. 8,011,502	:	
Issue Date: September 6, 2011	:	
Application No. 11/941,890	:	ON PETITION
Filed: November 16, 2007	:	
Attorney Docket No. 1236.001	:	

This is a decision on the petition filed August 10, 2011, a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : February 24 2012

TO SPE OF : ART UNIT 2836

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/941898, Patent No.: 7995,320 B2

Co f C mailroom date: 02-21-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

Magdalene Talley

Certificates of Correction Branch

571-272-0423 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Jared Fureman/

2836

SPE

Art Unit



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BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO IL 60690-2786

MAILED

AUG 02 2010

In re Application of
Michael R. **THOMAS**
Application No. 11/941,930
Filed: November 17, 2007
Attorney Docket No. **43381-106075**

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 14, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by John P. Wappel on behalf of all attorneys of record who are associated with customer No. 23644. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Michael R. Thomas at the address indicated below.

There is an outstanding Office action mailed April 23, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MICHAEL R. THOMAS**
205 LANG DRIVE
WASHINGTON, MO 63090



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AUG 05 2010

OFFICE OF PETITIONS

**ELIZABETH HINCKLEY FOREGGER
P.O. BOX 360
WATERBURY CENTER VT 05677**

In re Application of
Pierce, Javin Cedric
Application No. 11/941,957
Filed: November 18, 2007
Attorney Docket No. WINE-300

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 17, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Ryan Simmons on behalf of himself. Mr. Simmons has been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****

Attorney Docket
Number: 68767.000019

Application
Number: 11/942,049

Filing Date
(or 371(b) or (f) Date): 11/19/2007

Patent Number: 7,666,303

Issue Date: 02/23/2010

First Named
Inventor: Gregory Richard Williams

Title: Separator Tank

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature



Date 08/23/2010

Name
(Print/Typed)

Betsy LeBel

Registration Number 55,305

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 1.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 09/13/2010

Applicant	: Gregory Richard Williams	: DECISION ON REQUEST FOR
Patent Number	: 7666303	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/942,049	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **99** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Mission Viejo CA 92692

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NOV 18 2011

In re Application of
Application No. 11/942,066
Filed: November 19, 2007
For: DUAL-PULSE EXCITED LINEAR
PREDICTION FOR SPEECH CODING

OFFICE OF PETITIONS

:
: **DECISION ON PETITION**
:

This is a decision on the petition under 37 CFR 1.137(a), filed October 24, 2011 and the petition under 37 CFR 1.182 for expedited rendering of the petition under 37 CFR 1.182 filed November 9, 2011.

DECISION UNDER 37 CFR 1.182

In general, decisions on petitions are rendered in the order in which they are received by the USPTO. However, the USPTO will consider expediting the rendering of a decision on petition provided petitioner includes a petition to expedite (and required fee) under 37 CFR 1.182.

The instant petition under 37 CFR 1.137(a) was later accompanied by a petition to expedite under 37 CFR 1.182 (along with required petition fee).

In view thereof, the petition to expedite under 37 CFR 1.182 is hereby **GRANTED**.

DECISION UNDER 37 CFR 1.137(a)

The petition under 37 CFR 1.137(a) is hereby **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is not a final agency decision.

This application became abandoned March 29, 2011 for failure to timely submit a proper reply in response to the Notice of Non-Compliant Amendment (Notice) mailed February 28, 2011. The Notice set a one month shortened statutory period of time for reply. A non-compliant reply was filed March 17, 2011, as indicated by the Communication mailed September 26, 2011. Notice of Abandonment was mailed October 17, 2011.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable;

and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition fails to satisfy requirement (3) set forth above.

The Office may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to have been "unavoidable." See, 37 CFR 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

Petitioner herein has failed to provide a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

In this regard, petitioner attributes the failure to timely submit a proper reply to the outstanding Notice to "unforeseen circumstances." Petitioner indicates that the unforeseen circumstance at issue is delay within the USPTO wherein the examiner did not "properly inspect" applicant's "filing under MPEP 714.05."

Petitioner's arguments have been carefully reviewed, but are not found persuasive. The record reflects that a proper reply to the Notice mailed February 28, 2011 was not timely received within the time period for reply set forth in the Notice. As such, the application became abandoned as a matter of law on March 29, 2011. See, 35 USC 133 and 37 CFR 1.135.

Accordingly, the petition to revive under 37 CFR 1.137(a) is not deemed persuasive.

Any renewed petition must be accompanied by evidence to sufficiently establish that the entire period of delay in responding to the Notice was unavoidable.

ALTERNATE VENUE

Petitioner may wish to consider filing a petition stating that the entire delay was unintentional. Petitioner's attention is directed to 37 CFR 1.137(b) which provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable". An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee and reply.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b). The Director may require additional information where there is a question whether the delay was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

The requested revocation of power of attorney/change of address has been entered into the record.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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Yang Gao
26586 San Torini Rd
Mission Viejo CA 92692

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DEC 05 2011

In re Application of : **OFFICE OF PETITIONS**
Application No. 11/942,066 :
Filed: November 19, 2007 : **DECISION ON PETITION**
For: DUAL-PULSE EXCITED LINEAR :
PREDICTION FOR SPEECH CODING :

This is a decision on the petition renewed under 37 CFR 1.137(b), filed November 21, 2011 and the petition under 37 CFR 1.182 for expedited rendering of the petition under 37 CFR 1.182 filed November 21, 2011.

DECISION UNDER 37 CFR 1.182

In general, decisions on petitions are rendered in the order in which they are received by the USPTO. However, the USPTO will consider expediting the rendering of a decision on petition provided petitioner includes a petition to expedite (and required fee) under 37 CFR 1.182.

The instant petition under 37 CFR 1.137(b) was accompanied by a petition to expedite under 37 CFR 1.182 (along with required petition fee).

In view thereof, the petition to expedite under 37 CFR 1.182 is hereby **GRANTED**.

DECISION UNDER 37 CFR 1.137(b)

The petition under 37 CFR 1.137(a) is hereby **GRANTED**.

The application became abandoned March 29, 2011 for failure to timely submit a proper reply to the Notice of Non-Compliant Amendment (Notice) mailed February 28, 2011. The Notice set a one month shortened statutory period of time for reply. A non-compliant reply was filed March 17, 2011. Notice of Abandonment was mailed October 17, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 2626 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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AUG 04 2011

PCT LEGAL ADMINISTRATION

JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of

Das et al.

Application No.11/942,126

Filed: November 19, 2007

Attorney Docket No. CEN5098USPCT

:
: DECISION ON PETITIONS
: UNDER 37 CFR 1.78(a)(3) AND
: UNDER 37 CFR 1.78(a)(6)
:

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed December 21, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a statement of unintentional delay which varies slightly from the prescribed language. Since the statement contained in the petition varies from the

required language, it will be construed as the statement required by 37 CFR 1.78(a)(3) and 1.78(a)(6). Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to George Dombroske. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1644 for appropriate action on the amendment submitted on December 21, 2010, including consideration by the examiner of the claim for benefit of the prior-filed applications.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
(571) 272-3283

/Boris Milef/
Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT : Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/942,126	11/19/2007	1644	2920	CEN5098USPCT	25	6

CONFIRMATION NO. 1022

CORRECTED FILING RECEIPT

27777

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003



0000000049105629

Date Mailed: 08/04/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Anuk Das, Malvern, PA;
Raymond Sweet, Bryn Mawr, PA;
Ping Tsui, Berwyn, PA;
Michael Bardroff, Loerrach, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 000027777

Domestic Priority data as claimed by applicant

This application is a CON of PCT/US06/19627 05/19/2006
which claims benefit of 60/682,654 05/19/2005

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 02/27/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/942,126**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

ANTI-MCP-1 ANTIBODIES, COMPOSITIONS, METHODS AND USES

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11942126	
Filing Date	19-Nov-2007	
First Named Inventor	Anuk Das	
Art Unit	1644	
Examiner Name	CHUN DAHLE	
Attorney Docket Number	CEN5098USPCT	
Title	ANTI-MCP-1 ANTIBODIES, COMPOSITIONS, METHODS AND USES	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Brian C. Carey/
Name	Brian C. Carey
Registration Number	44590



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : November 10, 2011

In re Application of :

Anuk Das

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11942126

Filed : 19-Nov-2007

Attorney Docket No : CEN5098USPCT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 10, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1644 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions



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HUSCH BLACKWELL LLP
HUSCH BLACKWELL SANDERS LLP
WELSH & KATZ
120 S. RIVERSIDE PLAZA, 22ND FLOOR
CHICAGO IL 60606

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of :
Koichiro Tanaka et al :
Application No. 11/942,133 :
Filed: November 19, 2007 :
Attorney Docket No. 0553-0638 :
DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 21, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 24, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2823 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of :
Wilfried Steins et al :
Application No. 11/942,161 : **DECISION ON REQUEST FOR REFUND**
Filed: November 19, 2007 :
Attorney Docket No. 080437.59689US :

This is a decision on the Request For Refund filed June 16, 2011.

The request is **DISMISSED**.

The above request for refund states that "Applicants hereby petition for a refund of the four-month extension of time fee in the amount of \$1,730.00, which was paid on May 12, 2011 in order to respond to the Notice of Non-Compliant Amendment ("Notice") that was allegedly mailed December 13, 2010. The undersigned hereby attests to the fact that the Notice was never received by the undersigned and/or his office, and a diligent search of the file jacket of the above-identified application and the docket records, both electronic and manual, of the office supports the fact that the Notice was never received.

The undersigned first became aware of the existence of the Notice on or about May 9, 2011 upon receiving a call from the examiner as to why a response to the Notice had not been filed. An inquiry was then made through PAIR as to the status of the application, and a copy of the Notice was downloaded through PAIR and docketed on that same day. Because by that date the response to the Notice required a four-month extension of time, Applicants filed a response to the Notice and paid the fee for the extension, which Applicants are now petitioning to be refunded."

Applicant's attention is directed to MPEP 607.02 which states:

When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is **not** a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).

37 CFR 1.26(a) also provides that a change of purpose after the payment of a fee, as when a party desires to withdraw the filing of a patent application for which the fee was paid, will not entitle the party to a refund of such fee.

The request for the four-month extension of time fee submitted on May 12, 2011, was necessary to keep the application in pending status. This is not a matter where an application went abandoned because of nonreceipt of an Office action, and a petition to withdraw holding of abandonment under 37 CFR 1.181(no fee) was filed. It was applicant's decision to file the request for the four-month extension of time with fee on May 12, 2011.

In view of the above, the request for refund is dismissed.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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KLEIN O'NEILL & SINGH LLP
43 CORPORATE PARK
SUITE 204
IRVINE CA 92606

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re reissue Application of	:	
Pascal, et al.	:	
Application No. 11/942,163	:	DECISION ACCORDING STATUS
Filed: November 19, 2007	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 1135-64-PA-TD	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 29, 2009.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The Office mailed a decision dismissing Applicant's Rule 47 petition on April 23, 2009. The petition was dismissed because Rule 47 applicant had not shown that a copy of the application papers was forwarded to the last known address of non-signing inventors Jenkins and Broadbent.

With the instant renewed petition, Rule 47 applicant has clarified that a copy of the application papers was indeed forwarded to the non-signing inventors.

The renewed petition and declaration have been reviewed and determined to be in compliance with 37 CFR 1.47(a).

The application is hereby accorded Rule 47 status.

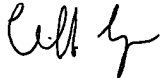
As provided in 37 CFR 1.47(c), the Office will provide notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice will also be provided in the Official Gazette.

Application No. 11/942,163

Page 2

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
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STEVE BROADBENT
ROBIN INDUSTRIES
1282 FAIRWAY DR NE
NEW PHILADELPHIA OH 44663

MAILED

AUG 17 2010

In re reissue Application of :
Pascal, et al. :
Application No. 11/942,163 :
Filed: November 19, 2007 :
Title: Needleless Access Port Valves :

OFFICE OF PETITIONS

CORRECTED LETTER

Dear Mr. Broadbent:

You are named as an inventor in the above-identified United States patent reissue application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions



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KEVIN JENKINS
ROBIN INDUSTRIES
1282 FAIRWAY DR NE
NEW PHILADELPHIA OH 44663

MAILED

AUG 17 2010

OFFICE OF PETITIONS

In re reissue Application of :
Pascal, et al. :
Application No. 11/942,163 :
Filed: November 19, 2007 :
Title: Needleless Access Port Valves :

CORRECTED LETTER

Dear Mr. Jenkins:

You are named as an inventor in the above-identified United States patent reissue application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/942,326	11/19/2007	Howard Ganz	GANZ-43021	1401
26206	7590	10/14/2010		
Pearne & Gordon LLP 1801 East 9th Street Suite 1200 Cleveland, OH 44114-3108			EXAMINER SERRAO, RANODHI N	
			ART UNIT 2444	PAPER NUMBER
			NOTIFICATION DATE 10/14/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@pearne.com



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Scott C. Harris
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of Howard GANZ
Application No. 11/942326
Filed: Nov 19, 2007
For: TRANSFER OF ITEMS BETWEEN
SOCIAL NETWORKING WEBSITES

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181**

This is a decision on the petition filed Sept 16, 2010 under 37 CFR § 1.181 to invoke Supervisory Authority and require the Examiner to withdraw the Finality of office action mailed July 26, 2010.

The petition is **GRANTED**.

RELEVANT PROSECUTION HISTORY

Nov 03, 2009	Examiner issued a non final rejection rejecting claims 15-18 under 35 U.S.C. 101 as being non-statutory and under 35 U.S.C. 102(b) as being anticipated by Littlefield (PGPUB 2006/0123127). It is noted that though not indicated in the introductory paragraph of the rejection, claim 19 was rejected citing paragraph 38 of Littlefield.
Feb 02, 2010	Applicant filed a response including 1) arguments against the 35 U.S.C. 102 (b) rejection by Littlefield, 2) amendments to 15-19, and 3) adding new claims 26-27.
April 20, 2004	Examiner issued a "species" restriction between claims 15 and 19. No art rejected was included in the office action.
May 17, 2010	Applicant elected Species 2, claim 19 without traverse.
July 26, 2010	The Examiner issued an office action finally rejected claims 19 under 35 U.S.C. 103(a) as being unpatentable over Fickie et al. (PGPUB 2002/0082738). Examiner indicates that the arguments are directed to newly added limitation.

Sept 16, 2010

The instant petition was filed requesting withdrawing the Finality of the action mailed July 26, 2010.

REGULATIONS AND PRACTICE

MPEP, 706.07(a) states in part that:

Under present practice, second or any subsequent action on the merits shall be made final, *except where the examiner introduces a new ground of rejection not necessitated by amendment* of the application by the applicant, whether or not the prior art is already of record.

MPEP, 706.07(d) states in part that:

If, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection.

Once the finality of the Office action has been withdrawn, the next Office action may be made final if the conditions set forth in MPEP § 706.07(a) are met.

MPEP 707.07(f) states in part that:

Where the applicant traverses any rejection, *the examiner should*, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

37 C.F.R. § 1.181(f) states, in part:

The mere filing of *a petition will not stay any period for reply* that may be running against the application, nor act as a stay of other proceedings...

DECISION

Setting aside the restriction practice, the merits and treatment of the restricted claims are not being discussed herein. The decision will focus only on the issue relates to finality practice.

A review of the file history indicates in the response filed Feb 02, 201 was timely filed. The substance of the response is as follows:

1) Claim 15 was amended from 1) "a first website" to "a first server computer, outputting information that produces a first website page" and 2) "second website communicating to said first website" to "said server communicating contents of said first website page to a second website page" to overcome 35 U.S.C. 101 rejection. Other amendment were to correct grammatical error and clarity of claim associated

with the change from "first website" to "server computer... producing a first website page"; the scope of claim 15, otherwise, remain unchanged.

2) Claim 19, previously dependent from claim 15, was rewritten in independent form incorporating all the limitations of claim 15 as currently amended.

3) In the remark filed Feb 02, 2010, applicant essentially argued that Littlefield does not teach "a website that hosts a virtual collection of times and also carries out social networking" as recited in claim 15. Applicant further argued that Littlefield does not teach "changing the items on the first website, and wherein said social networking on said second website automatically changes information about the items that are displayed on the second website responsive to said component" as recited in claim 19. Arguments against claims 16-18 are immaterial to this petition.

Thus, applicant's arguments are not directed to newly added limitation as indicated by the examiner in the Final office action mailed May 18, 2010. Pursuant MPEP 707.07(f), the finality of the action mailed May 18, 2010 is improper.

For the above stated reasons, the petition is **GRANTED**.

The Finality of the Office action mailed July 26, 2010 is hereby removed and the action has been **changed to Non-Final**. The three month period for response continues to run from the mailing date of the action on July 26, 2010

Any inquiry concerning this decision should be directed to Kim Huynh, whose telephone number is (571) 272-4147.

_____/Nancy Le/_____
Nancy Le, Director
Technology Center 2400
Network, Multiplexing, Cable and
Information Security

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110208

DATE : February 08, 2011

TO SPE OF : ART UNIT 3771

SUBJECT : Request for Certificate of Correction on Patent No.: 7,766,009

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☒ **Denied**

State the reasons for denial below.

Comments:

The continuation information is supported by the specification. See column 1, lines 6-15 of the Patent. Thus, the front page of the patent can't be changed.

/JUSTINE R YU/
Supervisory Patent Examiner.Art Unit 3771



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date

February 15, 2011

Patent No. :7766009
Inventor :Mark Robert Frye et al.
Patent Issued :August 3, 2010
Title :PORTABLE LIQUID OXYGEN UNIT WITH MULTIPLE OPERATIONAL ORIENTATIONS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent.

Inspection of the application for the patent reveals that in connection with the alleged error pertaining to Item (60) Related U.S. Application Data; the printed data in the letters patent with regard to applicants request is considered in accordance with the records within the Patent and Trademark offices. As the continuity information is supported by the specification the title page cannot be change. See column 1, lines 6-15 of the patent. Accordingly, there being no fault on the part of the Patent and Trademark Office, it has no authority to a issue certificate of correction under the provisions of 35 U.S.C. 254 and Rule 322 and 323 of the Rules of Practice of the United States Patent and Trademark Office in Patent Cases.

In view of the foregoing applicants request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

King & Spalding LLP
401 Congress Ave., Suite 3200
Austin, Texas 78701

/arg



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

MAILED

OCT 26 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of
Steve J. Tinius
Application No. 11/942,417
Filed: November 19, 2007
Attorney Docket No. **0106315.0527518**

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 10, 2010, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and declaration and replacement drawings, (2) the petition fee of \$1,620 (3) a proper statement of unintentional delay.

The petition is hereby **GRANTED**.

The petition fee of \$810 filed with the instant petition is unnecessary since it was previously paid. Therefore, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Patent Application Processing.

JoAnne Burke
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	11942455	
Filing Date	19-Nov-2007	
First Named Inventor	A.K. Aberg	
Art Unit	1614	
Examiner Name	RAYMOND HENLEY III	
Attorney Docket Number	05710.001US2	
Title	METHODS OF ACCELERATING MUSCLE GROWTH, DECREASING FAT DEPOSITS AND IMPROVING FEED EFFICIENCY IN LIVESTOCK ANIMALS	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
Drawing corrections and/ or other deficiencies.		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Peter L. Malen/
Name	Peter L. Malen
Registration Number	44894



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : June 21,2011

In re Application of :

A.K. Aberg

Application No : 11942455

Filed : 19-Nov-2007

Attorney Docket No : 05710.001US2

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed June 21,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RYAN D. BENSON
STOEL RIVES LLP
SUITE 1100
201 S. MAIN STREET
SALT LAKE CITY UT 84111

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of
Gregory, Ronald
Application No. 11/942,591
Filed: November 19, 2007
Attorney Docket No. 39517/5

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:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the second Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 8, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by R. Whitney Johnson on behalf of all attorneys/agents of record who are associated with Customer Number 32642. All attorneys/agents associated with Customer Number 32642 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, Ronald Gregory, at the address indicated below.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: RONALD GREGORY
35G SEABIRD LANE, DISCOVERY BAY
HONG KONG, CHINA



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCHWEGMAN, LUNDBERG & WOESSNER, PA
PO BOX 2938
MINNEAPOLIS, MN 55402

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of
Richard D. Haney
Application No. 11/942,616
Filed: November 19, 2007
Attorney Docket No. 2202.001US3

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 25, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Schwegman, Lundberg, & Woessner, PA has been revoked by the assignee of the patent application on February 26, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CLIFFORD H. KRAFT
320 ROBIN HILL DR.
NAPERVILLE, IL 60540

MAILED

SEP 23 2010

OFFICE OF PETITIONS

In re Application of :
Richard D. Haney :
Application No. 11/942,616 : DECISION GRANTING PETITION
Filed: November 19, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2202.001US3 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 22, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 1, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2431 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 7, 2011

David E. Brook
Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, MA 01742-9133

Patent No: 7,871,390 B2
Application No: 11/942,626
Applicant: Edmond Rambod, et al.
Issued: January 18, 2011
Title: ENHANCED CLEARANCE IN AN ARTIFICIAL KIDNEY INCORPORATING A PULSATILE PUMP

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322 or 1.323.

Inspection of the file of the application for the patent reveals that column 28, lines 11-14 in the patent, are printed in accordance with the record in the Patent and Trademark Office, as passed to issue by the examiner. There being no fault on the part of the Patent and Trademark Office, it has no authority to issue a certificate of correction under the provision of 1.322.

In view of the foregoing your request in this matter is hereby **denied**.

However, further consideration will be given to this matter, upon receipt of a request for certificate of correction under the provision of 1.323, accompanied by the appropriate fee which is presently \$100.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460 (voice)
(571) 270-9892 (fax)

vt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/8/2011

TO SPE OF : ART UNIT 3761

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/942626 Patent No.: 7871390 B2

CofC mailroom date: 5/12/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: _____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Tatyana Zalukaeva/

3761

SPE

Art Unit

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	11942689	
Filing Date	19-Nov-2007	
First Named Inventor	James Frincke	
Attorney Docket Number	335.1	
Title	Drug Identification and Treatment Method	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
<p>Petition Fee</p> <p><input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="radio"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>2. Reply and/or fee</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on</p> <p><input checked="" type="radio"/> Amendment and response are attached</p> <p>RCE request, submission, and fee.</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on</p> <p><input type="radio"/> RCE Request, Submission, and Fee are attached</p>		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Daryl D Muenchau/
Name	Daryl D Muenchau
Registration Number	36616



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date April 3, 2012

In re Application of James Frincke

Application No. 11942689

Filed: 19-Nov-2007

Attorney Docket No. 335.1

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), April 3, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

The statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay and by a person having firsthand or direct knowledge of the facts and circumstances of the delay at issue. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 10064
MCLEAN, VA 22102-8064

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Juergen Koehl, et al.	:	
Application No. 11/942,744	:	DECISION ON PETITION
Filed: November 20, 2007	:	UNDER 37 CFR 1.55(c)
Attorney Docket No. DE9200060034US1	:	

This is a decision on the renewed petition under 37 CFR 1.55(c), filed July 6, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for the benefit of priority to foreign European Application No. EP06124364, filed November 20, 2006.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed on November 20, 2007, which is after November 29, 2000 and within 12 months of November 20, 2006 (the filing date of the foreign application to which benefit is now being claimed). On July 6, 2010, a supplemental Application Data Sheet was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of \$1410 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed foreign application, accompanies this decision on petition.

This application is being referred to Technology Center AU 2825 for examination in due course and for consideration by the examiner of record of the foreign priority claim under 35 U.S.C. § 119(a)-(d).

Telephone inquiries directly pertaining to this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE -	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/942,744	11/20/2007	2825	1030	DE920060034US1	7	2

CONFIRMATION NO. 2169

CORRECTED FILING RECEIPT



OC000000042884365

44152
ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN, VA 22102-8064

Date Mailed: 08/04/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Juergen Koehl, Weil im Schoenbuch, GERMANY;
Matthias Ringe, Bonn, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 44152

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 06124364 11/20/2006

If Required, Foreign Filing License Granted: 12/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/942,744**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND SYSTEM FOR GENERATING A LAYOUT FOR AN INTEGRATED ELECTRONIC CIRCUIT

Preliminary Class

716

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Gambino et al.	:	
Application No. 11/942756	:	
Filing or 371(c) Date: 11/20/2007	:	
Attorney Docket Number:	:	
BUR920070123US1	:	ON PETITION

This is a decision on the "Petition to Withdraw Abandonment Under 37 CFR 1.181(a)," filed April 12, 2010.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed June 30, 2009. The Office action set a three (3) month period for reply. No response having been received, the application became abandoned on October 1, 2009. A Notice of Abandonment was mailed March 18, 2010.

With the present petition, Applicant has demonstrated non-receipt of the Office Action by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2811 for processing of the reply to the final Office action filed with the present petition in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DW/

Derek Woods
Attorney
Office of Petitions



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MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG PA 17108-1166

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of :
James Daniel Harshfield :
Application No. 11/942,863 : **DECISION ON PETITION**
Filed: November 20, 2007 :
Attorney Docket No. 227874 (25229-0018) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed December 8, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on March 9, 2011. A Notice of Abandonment was mailed on March 24, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/942,953	11/20/2007	Gary Dale Coleman	4010.3009 US1	2576

38473	7590	11/10/2011
ELMORE PATENT LAW GROUP, PC		
484 Groton Road		
Westford, MA 01886		

EXAMINER	
BAUM, STUART F	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/10/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@elmorepatents.com



UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 10 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ELMORE PATENT LAW GROUP, PC
484 Groton Road
Westford MA 01886

In re Application of:

Gary D. Coleman

Serial No.: 11/942,953

Filed: November 20, 2007

Attorney Docket No.: 4010.3009 US1

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:
:
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:

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.181, filed August 26, 2011, requesting that the amendment after final of June 28, 2011 be entered. The delay in deciding this petition is regretted.

BACKGROUND

Relevant parts of the prosecution history are summarized below.

On December 28, 2010, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this Office action, claims 1-22 were pending and claims 6, 13-18, 21 and 22 were withdrawn from consideration. Claims 1-5, 7-12, 19 and 20 were rejected under 35 USC 112, second paragraph as indefinite. Claims 1-3, 10-11 and 19 remained rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Claims 1-5, 7-12 and 19-20 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Claim 1 was rejected under 35 USC 103 (a) as being unpatentable over Wigge et al.

On June 28, 2011, applicant submitted an amendment after final including claim amendments to the claims.

On June 28, 2011, applicant submitted a Notice of Appeal.

On July 21, 2011, the examiner mailed to applicant an advisory action indicating that the after final amendment would not be entered because new issues were raised, new matter was raised and the amendments were not deemed to place the application in better form for purposes of appeal.

On August 26, 2011, applicant submitted the petition under consideration herein.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition, applicant argues “The issue for petition is whether the Examiner's refusal to enter the Amendment is improper. The Examiner alleged in the Advisory Action that the Amendment raises new issues that would require further consideration and/or search. No actual basis for this conclusion is offered. There is no attempt to articulate that subject matter of the claims that was not searched or considered and would now need to be searched and considered. Reconsideration is respectfully considered.”

Applicant's argument has been accorded careful consideration but it is not persuasive that the examiner erred by not entering the amendment after final. A final rejection closes prosecution. Thus, any amendments after final entered have to clearly render the claims allowable or have been **clearly** suggested by the examiner which was not the case herein. Specifically, applicant is correct that the examiner has previously reviewed and examined the limitations of overexpressing the nucleic acid encoding the PtFD1 protein of SEQ ID NO:1. However, this overexpression has always been drawn to modulating apical bud development. The new claims are drawn to a method of inhibiting apical bud development. It is not clear from the specification whether the overexpression of the sequence actually leads to the inhibition of apical bud development. Furthermore, during prosecution up until this time, the pre-amble was not given patentable weight since “modulating” is incredibly broad and reads on any type of change. However, changing the claims to require the inhibition of apical bud development requires the examiner to narrow down the focus to a very specific effect, which is missing important photoperiod information and thus is not an inherent property of overexpression of this sequence. Thus, the examiner would have to consider the issue of potential new matter since the species is not necessarily obvious in view of the genus, potential art rejections, and even a possible 101 issue potentially reading on a natural process. In addition, there may be a 112.2 for missing required step limitations. As a result, new consideration of the claims would be required by admitting the after final amendment of May 27, 2011.

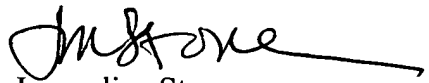
DECISION

The petition is **DENIED**.

Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

Should there be any questions about this decision please contact Quality Assurance Specialist Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by

telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

A handwritten signature in black ink, appearing to read 'J. Stone', with a long horizontal flourish extending to the right.

Jacqueline Stone
Director, Technology Center 1600



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ELMORE PATENT LAW GROUP, PC
484 Groton Road
Westford MA 01886

MAILED
APR 17 2012
OFFICE OF PETITIONS

In re Application of
Coleman
Application No. 11/942,953
Filed: November 20, 2007
Attorney Docket No. 4010.3009 US1

DECISION ON PETITION

This is a decision on the petition, filed March 2, 2012, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This above-identified application was held abandoned for failure to timely file an appeal brief in response to the Notice of Appeal filed June 28, 2011. A Notice of Abandonment was mailed January 30, 2012.

Petitioner maintains that based on the Notice of Appeal filed on June 28, 2011, the period for filing an appeal brief or some other satisfactory paper expired January 30, 2012 since January 28, 2012 falls on a Saturday.

A review of the record shows an appeal brief and a five month extension of time were filed on January 30, 2012. As such the application was prematurely held abandoned.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The application is being referred to Art Unit 1638 for further processing on the appeal brief filed on January 30, 2012.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions



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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED
FEB 03 2012
OFFICE OF PETITIONS

In re Application of :
Yoon et al. :
Application No. 11/942,968 :
Filed: 11/20/2007 :
Attorney Docket Number: Q102309 :

ON PETITION

This is in response to the Petition to Accept Color Drawings Under 37 CFR 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on November 20, 2007.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;¹
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

¹ The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

The petition is dismissed because the drawings submitted are not in color.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2871.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100811

DATE : August 31, 2010

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction on Patent No.: 7,511,117

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

The Request for Certificate of Correction corrects typographical and/or clerical errors. None of the changes affect the scope of the claims.

SPE: /Zachariah Lucas/

Art Unit 1648



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United States Patent and Trademark Office
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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

MAILED
OCT 13 2010
OFFICE OF PETITIONS

In re Application of :
Edward J. Hogan, et al. :
Application No. 11/943,062 : **ON PETITION**
Filed: November 20, 2007 :
Attorney Docket No. 070457.2510 (AP33154- :
I) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 18, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is June 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that

such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due Application No. 11/943,062

Page 2

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 3621 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

ELIZABETH ANNE NEVIS
1219 TORRANCE AVE.
SUNNYVALE CA 94089

MAILED

JAN 03 2011

In re Application of	:	OFFICE OF PETITIONS
Harroun	:	
Application No. 11/943,065	:	DECISION ON PETITION
Filed: November 20, 2007	:	PURSUANT TO
Attorney Docket No.:	:	37 C.F.R. § 1.137(B)
16500.023	:	
Title: QUICK-CHANGE	:	
PRECURSOR MANIFOLD FOR	:	
LARGE-AREA CVD AND PECVD	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 8, 2010, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed May 13, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on August 14, 2010. A notice of abandonment was mailed on December 21, 2010, subsequent to the filing of this petition.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted, *inter alia*, an amendment, the petition fee, and the proper statement of unintentional delay.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on December 8, 2010 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning this application should be directed to the Technology Center.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.³ In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, Petitioner must notify the Office.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

cc: MOY, JEFFREY,
Weiss, Moy & Harris, P.C.
4204 N Brown Avenue
Scottsdale, AZ 85251

³ See 37 C.F.R. § 10.18(b); cf. Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).



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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED
NOV 17 2011
OFFICE OF PETITIONS

In re Application of	:	
Zhao et al.	:	
Application No. 11/943133	:	ON PETITION
Filing or 371(c) Date: 11/20/2007	:	
Attorney Docket Number: CS33184RL	:	

This is a decision on the petition to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), filed November 1, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 4, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is May 5, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 2612 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

September 23, 2011

Patent No.: 7,981,679 B2
Applicant : Laura E. Rice
Issued : July 19, 2011
For : **METHOD OF MONITORING BULK (TOTAL) MICROBIOLOGICAL
ACTIVITY IN PROCESS STREAMS**
Atty Docket No.: 7966 P1

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.323.

Respecting the alleged error in adding the second inventor name., The request filed under C.F.R. 1.322 and 1.324 is incomplete.

A petition under C.F.R. 1.324 should include:

- A. the processing fee set forth in 37 CFR 1.20(b) (currently \$130);
- B. a statement from each person being added as an inventor that the inventorship occurred without any deceptive intention on his or her part, a statement from the current inventors agreeing to the change of inventorship of stating that they have no disagreement in regard to the requested change, and a statement from all assignees of the current inventors agreeing to the change of inventorship in the patent.

In view of the foregoing, your request in this matter is hereby denied.

Further correspondence concerning this matter should be filed and directed to Supervisory Patent Examiner of Technology Center 1772, Suk C. Bullock, at the U.S. Patent and Trademark Office.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

Peter A. DiMattia
Patent and Licensing Department
Nalco Company
1601 West Diehl Road
Naperville IL 60563-1198



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 25 2010

OFFICE OF PETITIONS

**Peter A. DiMattia
Patent and Licensing Department
Nalco Company
1601 West Diehl Road
Naperville IL 60563-1198**

In re Application of :
Laura E. Rice :
Application No. 11/943,184 : **DECISION ON PETITION**
Filed: November 20, 2007 :
Attorney Docket No. 7966 P2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 18, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 19, 2010. The Notice of Abandonment was mailed September 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

The \$1,620 petition fee will be charged to the petitioner's deposit account.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PETER A. DIMATTIA
PATENT AND LICENSING DEPARTMENT
NALCO COMPANY
1601 WEST DIEHL ROAD
NAPERVILLE, IL 60563-1198

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of :
Laura E. Rice :
Application No. 11/943,184 : **DECISION ON PETITION**
Filed: November 20, 2007 :
Attorney Docket No. 7966 P2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 11, 2011, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

This application became abandoned for failure to timely pay the issue and publication fees on or before February 15, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 15, 2010. Accordingly, the date of abandonment of this application is February 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline 571-272-4200.

This application is being referred to the Office of Data Management for processing into a patent.

A handwritten signature in black ink, appearing to read 'April M. Wise', is written over the typed name.

April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

September 22, 2011

Patent No.: 7,949,432 B2
Applicant : Laura E. Rice
Issued : May 24, 2011
For : **METHOD OF MONITORING SURFACE ASSOCIATED
MICROBIOLOGICAL ACTIVITY IN PROCESS STREAMS**
Atty Docket No.: 7966 P2

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.323.

Respecting the alleged error in adding the second inventor name., The request filed under C.F.R. 1.322 and 1.324 is incomplete.

A petition under C.F.R. 1.324 should include:

- A. the processing fee set forth in 37 CFR 1.20(b) (currently \$130);
- B. a statement from each person being added as an inventor that the inventorship occurred without any deceptive intention on his or her part, a statement from the current inventors agreeing to the change of inventorship of stating that they have no disagreement in regard to the requested change, and a statement from all assignees of the current inventors agreeing to the change of inventorship in the patent.

In view of the foregoing, your request in this matter is hereby denied.

Further correspondence concerning this matter should be filed and directed to Supervisory Patent Examiner of Technology Center 1772, Suk C. Bullock, at the U.S. Patent and Trademark Office.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

Peter A. DiMattia
Patent and Licensing Department
Nalco Company
1601 West Diehl Road
Naperville IL 60563-1198

OK TO ENTER: /I.L./

/I.L./ 10/29/2011

PTO/SB/44 (09-07)

Approved for use through 08/31/2010. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : **7,864,629 B2**

APPLICATION NO.: **11/943,185**

ISSUE DATE : **January 4, 2011**

INVENTOR(S) : **Dale A. Jones & Medhat W. Mickael**

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10, line 53, in claim 4, after "wherein", delete first "said".

Column 12, line 12, in claim 11, after "configuring", delete first "said".

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Billy C. Allen III

Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P.

20333 State Highway, 249, Suite 600

Houston, Texas 77070

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111029

DATE : October 31, 2011

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 78643185

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/THOMAS TARCZA/
Supervisory Patent Examiner.Art Unit 3662

06/17/2011

11943195 - GAU: 3749

PTO/SB/08a (05-07)

Approved for use through 11/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		
Filing Date		
First Named Inventor	Dale Gene Malott	
Art Unit		
Examiner Name		
Attorney Docket Number	WDO-41603US1	

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
/I.B./	1	RE24637	RE	1959-04-21	Wulle	
/I.B./	2	6857953	B2	2005-02-22	Malott	
/I.B./	3	6745586	B1	2004-06-08	Reimann et al.	
/I.B./	4	6616523	B1	2003-09-09	Tani et al.	
/I.B./	5	6571572	B2	2003-06-03	Hobbs et al.	
/I.B./	6	6554880	B1	2003-04-29	Northcutt	
/I.B./	7	6370899	B1	2002-04-16	Hobbs et al.	
/I.B./	8	6302780	B1	2001-10-16	Ahn et al.	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		
Filing Date		
First Named Inventor	Dale Gene Malott	
Art Unit		
Examiner Name		
Attorney Docket Number	WDO-41603US1	

/I.B./	9	6250373	B1	2001-06-26	Vecchi et al.	
/I.B./	10	6196914	B1	2001-03-06	Lyu	
/I.B./	11	6101829		2000-08-15	Robinson	
/I.B./	12	6076370		2000-06-20	Da Silva	
/I.B./	13	6066041		2000-05-23	Hernandez et al.	
/I.B./	14	5964910		1999-10-12	Keele	
/I.B./	15	5531641		1996-07-02	Aldrich	
/I.B./	16	5501634		1996-03-26	Wilder	
/I.B./	17	4709623		1987-12-01	Roth et al.	
/I.B./	18	4672818		1987-06-16	Roth	
/I.B./	19	4608834		1986-09-02	Rummel	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Dale Gene Malott	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	WDO-41603US1	

/I.B./	20	4189987		1980-02-26	Amberg et al.	
/I.B./	21	3867486		1975-02-18	Nagele	
/I.B./	22	3680468		1972-08-01	Schueler	
/I.B./	23	3092009		1963-06-04	Goettl	
	24					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
/I.B./	1	20050087332	A1	2005-04-28	Urneo et al.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Dale Gene Malott	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	WDO-41603US1	

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
/I.B./	1	"10-Minute Tech", published in Trailer Life, July 1996, pgs 69-70	<input type="checkbox"/>
/I.B./	2	"Duo-Therm" by Dometic, page 140	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/Ireini Botros/	Date Considered	06/17/2011
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

06/17/2011

11943195 - GAU: 3749

PTO/SB/08a (05-07)

Approved for use through 11/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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First Named Inventor	Dale Gene Malott	
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/I.B./	1	RE24637	RE	1959-04-21	Wulle	
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/I.B./	5	6571572	B2	2003-06-03	Hobbs et al.	
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/I.B./	8	6302780	B1	2001-10-16	Ahn et al.	

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(Not for submission under 37 CFR 1.99)

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First Named Inventor	Dale Gene Malott	
Art Unit		
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Attorney Docket Number	WDO-41603US1	

/I.B./	9	6250373	B1	2001-06-26	Vecchi et al.	
/I.B./	10	6196914	B1	2001-03-06	Lyu	
/I.B./	11	6101829		2000-08-15	Robinson	
/I.B./	12	6076370		2000-06-20	Da Silva	
/I.B./	13	6066041		2000-05-23	Hernandez et al.	
/I.B./	14	5964910		1999-10-12	Keele	
/I.B./	15	5531641		1996-07-02	Aldrich	
/I.B./	16	5501634		1996-03-26	Wilder	
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/I.B./	18	4672818		1987-06-16	Roth	
/I.B./	19	4608834		1986-09-02	Rummel	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Dale Gene Malott	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	WDO-41603US1	

/I.B./	20	4189987		1980-02-26	Amberg et al.	
/I.B./	21	3867486		1975-02-18	Nagele	
/I.B./	22	3680468		1972-08-01	Schueler	
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If you wish to add additional U.S. Published Application citation information please click the Add button.

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	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Dale Gene Malott	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	WDO-41603US1	

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
/I.B./	1	"10-Minute Tech", published in Trailer Life, July 1996, pgs 69-70	<input type="checkbox"/>
/I.B./	2	"Duo-Therm" by Dometic, page 140	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/Ireini Botros/	Date Considered	06/17/2011
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

06/17/2011

11943195 - GAU: 3749

PTO/SB/08a (05-07)

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number		
Filing Date		
First Named Inventor	Dale Gene Malott	
Art Unit		
Examiner Name		
Attorney Docket Number	WDO-41603US1	

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
/I.B./	1	RE24637	RE	1959-04-21	Wulle	
/I.B./	2	6857953	B2	2005-02-22	Malott	
/I.B./	3	6745586	B1	2004-06-08	Reimann et al.	
/I.B./	4	6616523	B1	2003-09-09	Tani et al.	
/I.B./	5	6571572	B2	2003-06-03	Hobbs et al.	
/I.B./	6	6554880	B1	2003-04-29	Northcutt	
/I.B./	7	6370899	B1	2002-04-16	Hobbs et al.	
/I.B./	8	6302780	B1	2001-10-16	Ahn et al.	

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/I.B./	10	6196914	B1	2001-03-06	Lyu	
/I.B./	11	6101829		2000-08-15	Robinson	
/I.B./	12	6076370		2000-06-20	Da Silva	
/I.B./	13	6066041		2000-05-23	Hernandez et al.	
/I.B./	14	5964910		1999-10-12	Keele	
/I.B./	15	5531641		1996-07-02	Aldrich	
/I.B./	16	5501634		1996-03-26	Wilder	
/I.B./	17	4709623		1987-12-01	Roth et al.	
/I.B./	18	4672818		1987-06-16	Roth	
/I.B./	19	4608834		1986-09-02	Rummel	

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/I.B./	21	3867486		1975-02-18	Nagele	
/I.B./	22	3680468		1972-08-01	Schueler	
/I.B./	23	3092009		1963-06-04	Goettl	
	24					

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U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
/I.B./	1	20050087332	A1	2005-04-28	Urneo et al.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

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NON-PATENT LITERATURE DOCUMENTS

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
/I.B./	1	"10-Minute Tech", published in Trailer Life, July 1996, pgs 69-70	<input type="checkbox"/>
/I.B./	2	"Duo-Therm" by Dometic, page 140	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/Ireini Botros/	Date Considered	06/17/2011
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¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

06/17/2011

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	1							<input type="checkbox"/>

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Examiner Signature	/Ireini Botros/	Date Considered	06/17/2011
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DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS MN 55402

MAILED

DEC 17 2010

OFFICE OF PETITIONS

In re Application of	:	
BRUENNERT et al.	:	DECISION ON PETITION
Application No. 11/943,202	:	
Filed: 11/20/2007	:	
Attorney Docket No. I433.307.101/14408	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 2010, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **granted**.

The above-identified application became abandoned for failure to file a timely response to the Notice to File Missing Parts of Nonprovisional Application mailed December 12, 2007, which set a two-month extendable period to reply. No extensions of this time period were obtained. Accordingly, the above-identified application became abandoned on February 13, 2008. A Notice of Abandonment was mailed on August 21, 2008.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211.

C. F. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/22/11

TO SPE OF : ART UNIT: 2855 Attn: CAPUTO LISA M (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/943295 Patent No.: 7971495

CofC mailroom date: 08/24/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

**Note: Please check Claim 31 for the
Requested change in PTOL SB/44 Form**

**Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____



SPE

2855

Art Unit



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re application of
Hozumi et al.
Application No. 11/943,316
Filed: November 20, 2007
For: SEAT APPARATUS FOR VEHICLE

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 28, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

In light of the preliminary amendment filed June 28, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 08/12/10



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Dresch IP Law, PLLC
P.O. Box 650903
Potomac Falls VA 20165

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of	:
MOSKOWITZ et al.	:
Application No. 11/943,334	: DECISION ON PETITION
Filed: November 20, 2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 3003/0106PUS1	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 6, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

A handwritten signature in black ink, appearing to read "Chris Bottorff", with a stylized flourish at the end.

Christopher Bottorff
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

**Dresch IP Law, PLLC
P.O. Box 650903
Potomac Falls VA 20165**

In re Application of	:
MOSKOWITZ et al.	:
Application No. 11/943,334	: DECISION ON PETITION
Filed: November 20, 2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 3003/0106PUS1	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed May 20, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

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- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

A nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed within 12 months from the filing date of the provisional application. Here the application that claims benefit to Provisional application serial number 60/788,720 was not filed within 12 months of the Provisional application. In fact, Provisional

application serial number 60/788,720 filed on April 4, 2006, was filed after nonprovisional application 10/964,633 filed on October 15, 2004, and therefore may not claim priority to nonprovisional application 10/964,633.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which identifies all of the prior applications and states the relationship of the prior-filed application to this application, are required.

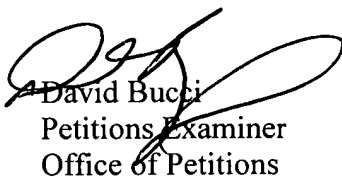
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.


David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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www.uspto.gov

Dresch IP Law, PLLC
P.O. Box 650903
Potomac Falls VA 20165

MAILED
AUG 16 2011
OFFICE OF PETITIONS

In re Application of	:
MOSKOWITZ et al.	:
Application No. 11/943,334	: DECISION ON PETITION
Filed: November 20, 2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 3003/0106PUS1	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 7, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

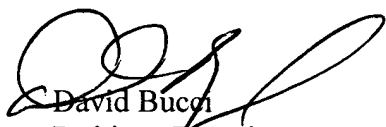
The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37

CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3775 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C: § 120 to the prior-filed applications.


David Bucchi
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/943,334	11/20/2007	3775	485	3003/0106PUS1	22	3

CONFIRMATION NO. 3289

CORRECTED FILING RECEIPT



0000000049322580

87409

Dresch IP Law, PLLC
P.O. Box 650903
Potomac Falls, VA 20165

Date Mailed: 08/16/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Nathan C. MOSKOWITZ, Rockville, MD;
Pablo A Valdivia Y ALVARADO, Cambridge, MA;
Mosheh T. MOSKOWITZ, Rockville, MD;
Ahmnon D. MOSKOWITZ, Rockville, MD;

Power of Attorney: The patent practitioners associated with Customer Number 87409

Domestic Priority data as claimed by applicant

This application is a CIP of 11/487,415 07/17/2006 PAT 7,854,766
which claims benefit of 60/788,720 04/04/2006
and is a CIP of 11/019,351 12/23/2004 PAT 7,083,650
which is a CON of 10/964,633 10/15/2004 ABN
which claims benefit of 60/578,319 06/10/2004
and claims benefit of 60/573,346 05/24/2004
and claims benefit of 60/572,468 05/20/2004
and claims benefit of 60/570,837 05/14/2004
and claims benefit of 60/570,098 05/12/2004

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 12/06/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/943,334**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

ARTIFICIAL CERVICAL AND LUMBAR DISCS, DISC PLATE INSERTION GUN FOR
PERFORMING SEQUENTIAL SINGLE PLATE INTERVERTEBRAL IMPLANTATION ENABLING
SYMMETRIC BI-DISC PLATE ALIGNMENT FOR INTERPLATE MOBILE CORE PLACEMENT

Preliminary Class

623

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Paper No.

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Bae et al.	:	
Application No. 11/943,414	:	DECISION ON PETITION
Filed: November 20, 2007	:	PURSUANT TO
Attorney Docket No.: 5038-074332	:	37 C.F.R. § 1.181(A)
Title: FABRICATION METHOD OF	:	
ANODE AND ELECTROLYTE IN SOLID	:	
OXIDE FUEL CELL	:	

This is a decision on the petition filed December 8, 2010, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition pursuant to 37 C.F.R. § 1.181(a) is **DISMISSED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment, mailed April 12, 2010, which set an extendable period for reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 13, 2010. A notice of abandonment was mailed on November 10, 2010.

RELEVANT PORTIONS OF THE C.F.R. AND MPEP

37 C.F.R. § 1.134 sets forth, *in toto*:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is

required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135 sets forth, *in toto*:

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

Section 711.03(c)(I)(A) of the MPEP sets forth, *in toto*:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. **The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable.** It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by

the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

(Emphases added).

ANALYSIS

With this petition, Petitioner has stated that the notice of April 12, 2010 was not received at the correspondence address of record.¹

Petitioner's assertion of non-receipt has not been adequately supported, as will be now pointed out.

First, Petitioner has described the system used for recording an Office communication received at the correspondence address of record with the USPTO, however this description is not sufficient to establish that the docketing system is sufficiently reliable.

¹ Petition, page 1.

Petitioner has indicated that correspondence received from the Office is date-stamped, combined with the papers in the corresponding file, and electronically docketed using an "in-house computer docketing system."² The petition is silent as to how this docketing system serves to ensure that the correspondence recorded therein is responded to in a timely manner. Does this computer docketing system generate reports or e-mails that are distributed to the responsible attorneys? Does it generate periodic reminders prior to the due dates, and if so, are these reminders distributed to the responsible attorneys?

Second, Petitioner has indicated that a search of Petitioner's docket records indicates that the Office action was not received.³ The record is silent as to any search of the file that is associated with this application (and the file jacket of said file) that might have been performed.

Third, Petitioner provided a copy of the record used by the practitioner where the allegedly non-received notice would have been entered, in the form of the "case detail report" that is associated with this particular application. However, Petitioner has not included a copy of the master docket or stated that no such master docket exists. As set forth in the portion of the MPEP that has been reproduced above, a master docket report is a report that shows all replies that the firm has docketed for a particular date in the future (typically the due date of the relevant Office communication, although some firms will docket items for the maximum extendable period for reply), *as opposed to a report that shows the replies that have been docketed for a particular application.*

CONCLUSION

It is noted in passing that in the second paragraph on the second page of this petition, Petitioner has presented an argument directed towards the propriety of the mailing of the notice. Petitioner's contentions regarding the propriety of the notice are not well taken. The propriety of a rejection, objection, or other requirement set forth in an Office communication is not relevant to an applicant's burden to timely prosecute an application to avoid abandonment,⁴ and as such, this argument is not relevant to the question of whether the notice

² Id. at 2.

³ Id.

⁴ See 35 U.S.C. § 133 and 37 C.F.R. §§ 1.134 and 1.135(a) and (b).

was received. It follows that this argument has not been considered on the merits, and nothing in this decision should be construed to constitute a representation that the Office either agrees or disagrees with the assertion that the amendment of March 19, 2010 "was, in fact, compliant."⁵

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,⁶ hand-delivery,⁷ or facsimile.⁸ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁹

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹⁰

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁵ Petition, page 2.

⁶ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁷ Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

⁸ (571) 273-8300: please note this is a central facsimile number.

⁹ <https://portal.uspto.gov/authenticate/authenticateuserlocalepf.html>

¹⁰ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



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Paper No.

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

MAILED

JAN 31 2011

In re Application of	:	OFFICE OF PETITIONS
Bae et al.	:	
Application No. 11/943,414	:	DECISION ON RENEWED PETITION
Filed: November 20, 2007	:	PURSUANT TO
Attorney Docket No.: 5038-	:	37 C.F.R. § 1.181(A)
074332	:	
Title: FABRICATION METHOD OF	:	
ANODE AND ELECTROLYTE IN SOLID	:	
OXIDE FUEL CELL	:	

This is a decision on the renewed petition filed January 11, 2011, pursuant to 37 C.F.R. § 1.181(a), requesting that the holding of abandonment in the above-identified application be withdrawn.

This renewed petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED** to the extent that the holding of abandonment is withdrawn. Petitioner's request for the mailing of a "notice of Allowance or a substantive Office Action"¹ cannot be accommodated at this time.

The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment, mailed April 12, 2010, which set an extendable period for reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 13, 2010. A notice of abandonment was mailed on November 10, 2010.

An original petition pursuant to 37 C.F.R. § 1.181(a) was filed on December 8, 2010, along with:

¹ Renewed petition, page 4.

- an assertion that the notice of April 12, 2010 was not received at the correspondence address of record;²
- an indication that correspondence received from the Office is date-stamped, combined with the papers in the corresponding file, and electronically docketed using an "in-house computer docketing system"³;
- an indication that a search of Petitioner's docket records indicates that the Office action was not received,⁴ and;
- a copy of the record used by the practitioner where the allegedly non-received notice would have been entered, in the form of the "case detail report" that is associated with this particular application.

The original petition was dismissed via the mailing of a decision on December 20, 2010.

With this renewed petition, Petitioner has explained that the Master Docket is printed on a weekly basis and reviewed by the Docketing Department, which sends daily e-mail reminders to the responsible attorney and the corresponding administrative assistant.⁵ Moreover, each attorney receives a printed copy of his/her docket on a weekly basis.⁶

Petitioner has further established that searches of the master docket, the physical file, and the "electronic document retentions system" (all incoming Office correspondence is scanned and saved in this file)⁷ indicates that the notice was not received.⁸

Finally, Petitioner has provided a copy of the master docket.⁹

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the notice of non-compliant amendment of April 12, 2010 was not received, pursuant to MPEP § 711.03(c).

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the

2 Original petition, page 1.

3 Id. at 2.

4 Id.

5 Renewed petition, page 2.

6 Id.

7 Id.

8 Id. at 3.

9 Exhibit A submitted with this renewed petition.

Technology Center, so that the application may receive further processing. The Technology Center's support staff will re-mail the notice of non-compliant amendment of April 12, 2010, and will set a new period for response.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.¹⁰ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹⁰ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



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CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
950 PENINSULA CORPORATE CIRCLE
SUITE 2022
BOCA RATON, FL 33487

MAILED

JUN 30 2011

OFFICE OF PETITIONS

In re Application of
William G. Pagan
Application No. 11/943,426
Filed: November 20, 2007
Attorney Docket No.: RPS920070131US1 (093)

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 16, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 20, 2010. A Notice of Abandonment was subsequently mailed on June 7, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). On June 16, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$810 and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 2452 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/943,436	11/20/2007	Pierre-Yves Michellys	PAT052859-US-NP	3474
29490 7590 04/08/2011 GENOMICS INSTITUTE OF THE NOVARTIS RESEARCH FOUNDATION 10675 JOHN JAY HOPKINS DRIVE, SUITE E225 SAN DIEGO, CA 92121-1127			EXAMINER SACKEY, EBENEZER O	
			ART UNIT 1624	PAPER NUMBER
			NOTIFICATION DATE 04/08/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ssesnovich@gnf.org
IPLegal@gnf.org
jclarke@gnf.org



UNITED STATES PATENT AND TRADEMARK OFFICE

APR 08 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GENOMICS INSTITUTE OF THE NOVARTIS RESEARCH FOUNDATION
10675 JOHN JAY HOPKINS DRIVE
SUITE E225
SAN DIEGO, CA 92121-1127

In re Application of	:	DECISION ON REQUEST TO
MICHELLYS ET AL.	:	PARTICIPATE IN PATENT
Application No. 11/943,436	:	PROSECUTION HIGHWAY
Filed: November, 20, 2007	:	PROGRAM AND PETITION
Attorney Docket No. PAT052859-US-NP	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 23, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed with IPAU, or (ii) validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed with IPAU, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed with IPAU, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim;
- (2) The IPAU application(s) has at least one claim that was determined by IPAU to be allowable.;
- (3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims in the IPAU application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions (which are relevant to patentability) from each of the IPAU application(s) containing the allowable claims that are the basis for the request;
- (6) Applicant must submit a copy of the allowable claims from the IPAU application(s);
- (7) Applicant must submit a claim correspondence table in English; and

(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the IPAU examiner in the IPAU office action (unless such an IDS has already been filed in the U.S. application).

The request to participate in the PPH program and petition fails to comply with the requirement because:

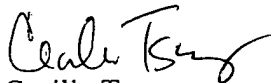
Examination of the U.S. application has begun.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebs/efs_help.html.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



Cecilia Tsang
Supervisory Patent Examiner
TC 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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JAFARI LAW GROUP, P.C.
801 N. Park Center Drive, Suite 220
Santa Ana, CA 92705

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of

Young Kun Bae

Application No. 11/943,480

Filed: November 20, 2007

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 10, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David V. Jafari on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor David V. Jafari at the address indicated below.

There is an outstanding Office action mailed November 22, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Young K. Bae**
218 W. Main Street
Suite 102
Tustin, CA 92780-7709



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/943,480	11/20/2007	Young Kun Bae	

61618
JAFARI LAW GROUP, P.C.
801 N. PARKCENTER DRIVE, SUITE 220
SANTA ANA, CA 92705

CONFIRMATION NO. 3562
POWER OF ATTORNEY NOTICE



Date Mailed: 03/22/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/10/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : June 20,2011

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Michael Lee

ATTORNEY/AGENT OF RECORD

Application No : 11943527

Filed : 20-Nov-2007

Attorney Docket No : 1953233.00031

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed June 20,2011

The request is **APPROVED**

The request was signed by Louis C. Cullman (registration no. 39645) on behalf of all attorneys/agents associated with Customer Number 48423 . All attorneys/agents associated with Customer Number 48423 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 21127 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11943527	
Filing Date	20-Nov-2007	
First Named Inventor	Michael Lee	
Art Unit	3774	
Examiner Name	ANDREW IWAMAYE	
Attorney Docket Number	1953233.00031	
Title	IMPLANTABLE AND LUMEN-SUPPORTING STENTS AND RELATED METHODS OF MANUFACTURE AND USE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		48423 _____
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		
21127 _____		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Louis C. Cullman/	
Name	Louis C. Cullman	
Registration Number	39645	

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce	
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		
Application Number	11943552		
Filing Date	20-Nov-2007		
First Named Inventor	Arnold LIPPA		
Art Unit	1626		
Examiner Name	JASON NOLAN		
Attorney Docket Number	DOVP-1602CIP		
Title	Methods And Compositions For Controlling Body Weight And Appetite		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> 1. Petition fee; 2. Reply and/or issue fee; 3. Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; 4. Statement that the entire delay was unintentional. 			
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>			
<p>Reply Fee</p> <p><input checked="" type="checkbox"/> A reply in the form of a continuing application with serial number 13297452 has been previously filed on 11-16-2011</p>			

Terminal disclaimer with disclaimer fee

☒ Terminal disclaimer and fee are not required

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the terminal disclaimer and fee have already been filed in the above-identified application on

☐ Terminal disclaimer and fee are attached

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Jeffrey J. King/
Name	Jeffrey J. King
Registration Number	38515



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : November 30, 2011

In re Application of :

DECISION ON PETITION

Arnold LIPPA

Application No : 11943552

Filed : 20-Nov-2007

Attorney Docket No : DOVP-1602CIP

This is an electronic decision on the petition under 37 CFR 1.137(b), filed November 30, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to an Office action. The date of abandonment is the day after the expiration date of the period set for reply in the Office action or action plus any extensions of time actually obtained.

The electronic petition satisfies the requirements of 37 CFR 1.137(b) in that the practitioner has supplied (1) the reply in the form of a continuing application, (2) the petition fee under 37 CFR 1.17(m), and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 13297452 filed on 11-16-2011

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VEDDER PRICE P.C.
222 N. LaSalle Street
Chicago, IL 60601

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of
Ronald D. Hoover
Application No. 11/943,629
Filed: November 21, 2007
Attorney Docket No. 27343.00.0164

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 12, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael J. Turgeon on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Plano Molding Company**
431 East South Street
Plano, IL 60545



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/943,629	11/21/2007	Ronald D. Hoover	27343.00.0164

CONFIRMATION NO. 3831

POWER OF ATTORNEY NOTICE



OC000000044390980

Date Mailed: 11/08/2010

23418
VEDDER PRICE P.C.
222 N. LASALLE STREET
CHICAGO, IL 60601

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/12/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/943,770	11/21/2007	Mario Mezler	8217USO1	4072
7590 11/04/2010 PAUL D. YASGER ABBOTT LABORATORIES 100 ABBOTT PARK ROAD DEPT. 377/AP6A ABBOTT PARK, IL 60064-6008			EXAMINER KOLKER, DANIEL E	
			ART UNIT	PAPER NUMBER
			1649	
			NOTIFICATION DATE	DELIVERY MODE
			11/04/2010	ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

November 2, 2010

PAUL D. YASGER
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK IL 60064-6008

In re Application of	:	
Maria Mezler, et al	:	DECISION ON PETITION
Application No. 11943770	:	
Filed: 11/21/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. 8217USO1	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 2, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/
Manager
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 Chestnut Street
ROCHESTER NY 14604-2404

MAILED

JUL 12 2011

OFFICE OF PETITIONS

In re Application of
Thomas Cartwright
Application No. 11/943,785
Filed: October 22, 2008
Attorney Docket No. **PORT-023**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

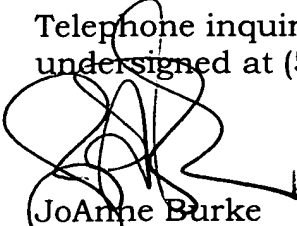
This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed June 22, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Oath and Declaration /Power of Attorney filed February 20, 2008.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.


JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 S.W. FIFTH AVENUE
PORTLAND OR 97204

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Chenglin Liu et al	:	
Application No. 11/943,793	:	DECISION ON PETITION
Filed: November 21, 2007	:	
Attorney Docket No. MP1583-153057	:	

This is a decision on the petition, filed January 28, 2011, entitled, "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181 (a) OR, ALTERNATIVE, UNDER 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

This application was held abandoned for failure to reply in a timely manner to the Restriction Requirement mailed February 16, 2010.

Petitioner states that "On March 10, 2010 the Applicants filed a Response to the Office Action mailed February 16, 2010 (hereinafter "Response"). The Response along with the Electronic Acknowledgement Receipt is attached as Exhibit 1. As can be seen, the Response was timely filed."

Petitioner is encouraged to note MPEP 724.05 (III) which states:

Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

By mail: **Mail Stop PETITIONS**
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebs/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE & HAYES, PLLC
601 WEST RIVERSIDE AVE., SUITE 1400
SPOKANE WA 99201

MAILED

JUN 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Chenglin Liu et al	:	
Application No. 11/943,793	:	DECISION ON PETITION
Filed: November 21, 2007	:	
Attorney Docket No. MP1583/MV1 – 0128US	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an election; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Restriction Requirement mailed February 16, 2010, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2826 for appropriate action by the Examiner in the normal course of business on the reply received May 13, 2011.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/943,795	11/21/2007	Jacob F. Hiebert	2025.2.4	4109
84138 7590 07/07/2011 MADSON IP Old Shepard Commons, Suite 230 1466 North Highway 89 Farmington, UT 84025			EXAMINER CERNOCH, STEVEN MICHAEL	
			ART UNIT 3752	PAPER NUMBER
			MAIL DATE 07/07/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MADSON IP
Old Shepard Commons, Suite 230
1466 North Highway 89
Farmington UT 84025

In re Application of:	:	
HIEBERT, JACOB F.	:	
Serial No. 11/943,795	:	
Filed: Nov. 21, 2007	:	DECISION ON PETITION
Docket: 2025.2.4	:	UNDER 37 CFR § 1.181
Title:	:	
SELF-CLEANING SPRINKLER	:	

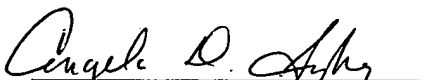
This is a decision on the request filed June 20, 2011 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed May 23, 2011.

The petition is **Granted**.

In finding petitioner's points of argument persuasive, the requested relief is granted. As such, the finality of the Office actions issued on April 19, 2011 is premature and the finality of the Office action is hereby withdrawn. The Office action mailed on April 19, 2011 will be designated as a non-final Office action. Since the finality is being withdrawn, any amendment filed in response to the Office action of April 19, 2011 will be treated as a 37 CFR § 1.111 amendment.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3752 awaiting the applicant's response to the outstanding Office action mailed on April 19, 2011. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.


Angela D. Sykes, Director
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**CLARK HILL PLC
27TH FLOOR
150 N. MICHIGAN AVENUE
CHICAGO IL 60601**

MAILED

FEB 07 2011

OFFICE OF PETITIONS

In re Patent No. 7,814,827 :
Issued: October 19, 2010 :
Application No. 11/943,797 :
Filed: November 21, 2007 :
Attorney Docket No. 913/41951B/341B :

ON PETITION

This letter is in response to the Request, filed December 15, 2010, that (1) urges that the previously filed petition submitted on December 9, 2010 requesting a duplicate Letters Patent is no longer applicable, and (2) requests that no action be taken in response to the December 9, 2010 Request.

The December 15, 2010 Request is **GRANTED**.

Petitioner contends that the request for duplicate Letters Patent is not applicable since the originally mailed Letters Patent "have been received in our office". The original Letters Patent were received on December 10, 2010. Therefore, the petition filed December 9, 2010 is unnecessary in view of the above. Accordingly, the United States Patent and Trademark Office will disregard the December 9, 2010 Request and take no further action in response thereto.

Telephone inquiries relating to this matter should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA CA 90404

MAILED

OCT 20 2010

In re Application of	:	OFFICE OF PETITIONS
OWEN, Nanette Theresa	:	
Application No. 11/943,853	:	DECISION ON PETITION
Filed: November 21, 2007	:	TO WITHDRAW
Attorney Docket No. 100778.010101	:	FROM RECORD
	:	


This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 14, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Peter J. Gluck does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.


Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **NANETTE THERESA OWEN**
24291 SUNNYBROOK CIRCLE
LAKE FOREST, CA 92630



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KALLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS CA 91367

In re Patent No. 7,899,551
Issue Date: March 01, 2011
Appl. No: 11/943,883
Filed: November 21, 2007
For: Correction of Inventorship

This is a decision on the petition filed April 18, 2011, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Niketa Patel/

Niketa Patel
Supervisory Patent Examiner Art Unit 3762
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,899,551

Patented: March 01, 2011

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above-identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Randy Westlund of River Falls, Wisconsin; Robert A. Stevenson of Canyon Country, California; Christine A. Frysz of Orchard Park, New York; Warren S. Dabney of Orchard Park, New York and Henry R. Halperin.

Niketa I. Patel
Supervisory Patent Examiner
Art Unit 3762
Technology Center 3700



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11/943,883	21 November 2007	WESTLUND ET AL.	GREATB-50046

KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS, CA 91367

EXAMINER

NIKETA PATEL

ART UNIT	PAPER
3762	20111207

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Attached: Petition Decision and Certificate of Correction.

/Niketa I. Patel/
Supervisory Patent Examiner, Art Unit 3762

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11943901	
Filing Date	21-Nov-2007	
First Named Inventor	De-chu Tang	
Art Unit	1636	
Examiner Name	NANCY VOGEL	
Attorney Docket Number	43224.01.2001	
Title	RAPID PRODUCTION OF REPLICATION-COMPETENT ADENOVIRUS-FREE RECOMBINANT ADENOVIRUS VECTORS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 99562		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	De-chu Christopher Tang	
Address	1163 Riverchase Parkway West	
City	Hoover	
State	AL	
Postal Code	35244	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/deborah lu/
Name	Deborah L. Lu
Registration Number	50940



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 20, 2012

In re Application of :

De-chu Tang

Application No : 11943901

Filed : 21-Nov-2007

Attorney Docket No : 43224.01.2001

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 20, 2012

The request is **APPROVED**.

The request was signed by Deborah L. Lu (registration no. 50940) on behalf of all attorneys/agents associated with Customer Number 99562 . All attorneys/agents associated with Customer Number 99562 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name De-chu Christopher Tang
Name2
Address 1 1163 Riverchase Parkway West
Address 2
City Hoover
State AL
Postal Code 35244
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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United States Patent and Trademark Office
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MAILED

MAR 08 2012

OFFICE OF PETITIONS

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of
Curtis W. Adams
Application No. 11/943,926
Filed: November 21, 2007
Attorney Docket No. 336002-2001.1

:
: **DECISION ON APPLICATION**
: **FOR PATENT TERM ADJUSTMENT**
:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.702(a)" filed February 21, 2012. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 209 days to 268 days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred sixty-eight (**268**) days. A copy of the updated PTA calculation, showing the correct determination, is enclosed.

On November 21, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is two hundred nine days. On February 21, 2012, applicants timely¹ submitted the instant application for patent term adjustment (with required fee), asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is two hundred sixty-eight (**268**) days. Applicants dispute the reduction of fifty-nine (59) days attributed to applicant and argue that no delay pursuant to 37 C.F.R. § 1.704 (c)(7) should have resulted from the response filed October 25, 2010, the period of 59 days delay accorded the Applicant should be removed and thus, the total Applicant delay should be 130 days.

Pursuant to 37 CFR 1.704(c), Reduction of Period of Adjustment of Patent Term;

(7) Submission of a reply having an omission (§1.135(c)), in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed;

On August 27, 2010, Applicants filed a response to the Restriction Requirement mailed

¹ PALM records indicate that the Issue Fee was received in the Office on February 21, 2012.

February 23, 2010. Thereafter, a Notice of Non-Compliant Amendment was mailed September 23, 2010 to which Applicants filed a response on October 25, 2010.

Applicants argue that "Applicant's reply to the restriction requirement filed on August 27, 2010 did not include any claim amendment or listing of claims. Therefore, Applicant's reply to the restriction requirement did not include an omission in a reply as required by 37 C.F.R. § 1.704 (c)(7). The Office issued a Notice of Non-Compliant Amendment on September 23, 2010 that referred back to the preliminary amendment filed July 29, 2009, not Applicant's reply to the restriction requirement. Applicant's amendment filed October 25, 2010 included a Listing of Claims with proper identifiers. (The amendment was filed within one month of the September 23, 2010 Notice of Non-Compliant Amendment, October 23, 2010 being a Saturday.) Applicant submits that the omission of the claim status identifier in a preliminary amendment was not in a submission of a reply under 37 C.F.R. § 1.135(c), as required by 37 C.F.R. § 1.704 (c)(7)."

A review of the application history reveals that applicants are correct. The record supports a conclusion that there is no basis for a reduction in patent term adjustment as there was no omission in the reply filed.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is 268 days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

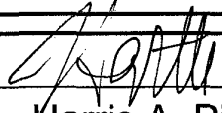
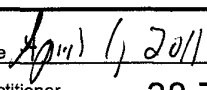
Nonprovisional Application Number or Control Number (if applicable): 11/944,002	Patent Number (if applicable):
First Named Inventor: Takayuki SASAKI	Title of Invention: FLEXIBLE POLYURETHANE FOAM, PROCESS FOR ITS PRODUCTION, AND SEAT FOR AUTOMOBILE

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
 - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date 
Name (Print/Typed) Harris A. Pitlick	Practitioner Registration Number 38,779
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.</p>	
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

In re Application of	:	APR 07 2011
Sasaki et al.	:	
Application No. 11/944,002	:	OFFICE OF PETITIONS
Filed: November 21, 2007	:	DECISION ON PETITION
Attorney Docket No. 317141US0CON	:	

This is a decision on the request filed April 1, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on December 16, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1767 for re-mailing the Office action of December 16, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HISCOCK & BARCLAY, LLP
2000 HSBC PLAZA
100 CHESTNUT STREET
ROCHESTER, NY 14604-2404

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomas Cartwright	:	
Application No. 11/944,021	:	DECISION ON PETITION
Filed: November 21, 2007	:	TO WITHDRAW
Attorney Docket No. 3016013 US02	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 23, 2011.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number.

In the instant application, the practitioner(s) were appointed via Customer Number however the request does not designate a Customer Number to be withdrawn by. The request was signed by Liam McDowell on behalf of all the practitioners (with registration numbers) of record listed on the attached papers.

The current request does not properly withdraw the appointed practitioners via Customer Number therefore; the request cannot be approved at this time. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed.

There are no outstanding Office actions that require a reply from the applicant.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED

JUN 14 2011

OFFICE OF PETITIONS

In re Application of :
William H. Radke :
Application No. 11/944,023 : **DECISION GRANTING PETITION**
Filed: November 21, 2007 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. MICRON.372A :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, June 13, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 17, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2187 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Kilpatrick Townsend &
Stockton LLP
Adobe Systems, Inc. 58083
1100 Peachtree Street
Suite 2800
Atlanta GA 30309-4530

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of :
Agarwala et al. :
Application No. 11/944,056 :
Filed: November 21, 2007 :
Attorney Dkt. No. 58083-348693 :
(B578) :
For: SYSTEMS AND METHODS FOR :
DETERMINATION OF A CAMERA :
IMPERFECTION FOR AN IMAGE :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "PETITION REGARDING PATENT TERM ADJUSTMENT (PTA) INDICATED IN NOTICE OF ALLOWANCE" filed December 13, 2011. This request is properly treated under 37 CFR 1.705(b). Applicants request that the determination of patent term adjustment be corrected from eight hundred two (802) days to one thousand one hundred sixty (1,160) days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for

continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.


Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in cursive script, reading "Charlema Grant". The signature is written in black ink and is positioned above the printed name and title.

Charlema Grant
Attorney Advisor
Office of Petitions



MAILED

FEB 28 2012

OFFICE OF PETITIONS

In re Patent No. 8,103,121	:	
Agarwala et al.	:	DECISION ON REQUEST FOR
Issue Date: January 24, 2012	:	RECONSIDERATION OF
Application No. 11/944,056	:	PATENT TERM ADJUSTMENT
Filed: November 21, 2007	:	AND NOTICE OF INTENT
Attorney Docket No. 58083-	:	TO ISSUE CERTIFICATE OF
348693 (B578)	:	CORRECTION
Title: SYSTEMS AND METHODS FOR	:	
DETERMINATION OF A CAMERA	:	
IMPERFECTION FOR AN IMAGE	:	

This is a decision on the petition filed on February 7, 2012, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand ninety-seven (1,097) days. Patentees dispute the 47-day reduction.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED**.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed from deposit account no. 20-1430. No additional fees are required.

Patentees dispute the 47 day reduction taken for the submission of the information disclosure statement submitted on December 9, 2011. Patentees contend the December 9, 2011 IDS contained a statement pursuant to 37 CFR 1.704(d) and thus no reduction is required. Patentees' argument has been considered and determined to be convincing that the 47 day reduction is not warranted.

37 CFR 1.704(c) provides that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

37 CFR 1.704 (c)(10) provides:

(10) Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

37 CFR 1.704(d) provides:

A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement(i) was first cited in any communication from a patent Office in a counterpart foreign or international application or from the office, and this communication was not received by any individual

Patent No. 8,103,121 Application No. 11/944,056 page 3
designated in § 1.56(c) more than thirty days prior
to the filing of the information disclosure
Statement or (ii) is a communication that was issued by
a patent Office in a counterpart foreign or
international application or by the office and this
communication was not received by any individual
designated in § 1.56(c) more than thirty days prior to
the filing of the information disclosure statement.
This thirty-day period is not extendable.

In this instance, the information disclosure statement submitted
on December 9, 2011 contained a statement pursuant to 37 CFR
1.704(d). Thus, the submission of the IDS does not constitute a
failure to engage in reasonable efforts to conclude prosecution.
Accordingly, the 47 day reduction will be removed.

In view thereof, the patent is entitled to an overall adjustment
of 1097 days.

The application is being forwarded to the Certificate of
Correction Branch for issuance of a certificate of correction.
The Office will issue a certificate of correction indicating
that the term of the above-identified patent is extended or
adjusted by **one thousand ninety-seven (1,097)** days.

The Office acknowledges submission of the \$200.00 fee set forth
in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed
to the undersigned at (571) 272-3215.



Charlema Grant
Attorney Advisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,103,121 B2

DATED : January 24, 2012

DRAFT

INVENTOR(S) : Agarwala et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by:1050 days

Delete the phrase "by 1050 days" and insert – by 1097 days--



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MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

MAILED

NOV 16 2010

OFFICE OF PETITIONS

In re Patent No. 7,669,485
Issue Date: March 2, 2010
Application No. 11/944,066
Filed: November 21, 2007
Attorney Docket No. 14970-70436

DECISION ON PETITION

This is a decision on the "petition For Duplicate Letters Patent Under 37 CFR 1.182", filed September 17, 2010; requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f).

Petitioner states that the original Letters Patent was never received.

The Office follows the guidelines set forth in MPEP § 711.03(c) (*see also* "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993), which sets forth that, in the absence of any irregularity in the mailing of an Office action (in this case, the Letters Patent), there is a strong presumption that the Office action (Letters Patent) was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Letters Patent was not in fact received. In this regard, the showing required to establish the failure to receive the Letters Patent must consist of the following:

1. a statement from practitioner stating that the Letters Patent was not received by the practitioner. The statement should also describe the system used for recording an Office action received at the correspondence address of record and establish that the docketing system was sufficiently reliable;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Letters Patent was not received; and
3. a copy of the master docket for the firm docket record where the nonreceived Letters Patent would have been entered had it been received must be attached to and referenced in the practitioner's statement. If no master docket exists, the practitioner should so state and provide other evidence such, as but not limited: to the application file jacket, incoming mail log; calendar; reminder system or individual docket record for the application in question.

Petitioner has failed to describe the system used to record correspondence and establish the docketing system was sufficiently reliable. Further, although petitioner has provided a copy of what appears to be an individual docket record for the instant patent, petitioner has failed to present a copy of the master docket for the firm or state that a master docket does not exist.

The petition is not accompanied by the evidence required to establish nonreceipt of the original Letters Patent.

In view of the above, the petition fails to provide the necessary evidence to establish nonreceipt of the letters patent. Accordingly, the petition for issuance of a duplicate Letters Patent cannot be granted at this time.

If petitioner cannot submit the required evidence to establish nonreceipt of the original Letters Patent or simply does not wish to, petitioner may wish to consider filing a petition under 37 CFR 1.182 requesting issuance of a duplicate Letters Patent and pay the required fee of \$400.

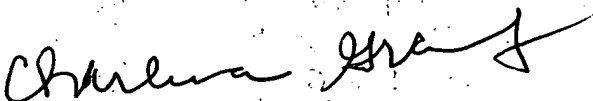
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA GA 30326

MAILED

JUN 03 2011

OFFICE OF PETITIONS

In re Patent No. 7,669,485
Issue Date: March 2, 2010
Application No. 11/944,066
Filed: November 21, 2007
Attorney Docket No. 14970-70436

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.182, filed January 14, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Ms. Niomi Farmer, Office of Data Management, Phone: 703-308-9250 x129.

A copy of this decision is being faxed to Publishing Division for issuance of duplicate Letters Patent.

Charlema Grant
Petitions Attorney
Office of Petitions

cc: Ms. Niomi Farmer, Office of Data Management, Fax: 571-270-9753.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL L. DIAZ, P.C.
555 REPUBLIC DRIVE, SUITE 200
PIANO TX 75074

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of :
Charles Starr :
Application No. 11/944,069 : **DECISION ON PETITION**
Filed: November 21, 2007 :
Attorney Docket No. **5193-0001** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 7, 2011, to revive the above-identified application.


The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed December 14, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form replacement drawings, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.


JoAnne Burke
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Charles Starr

Application No. 11944069

Filed: November 21, 2007

Attorney Docket No. 5193-0001

:
:

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 23-AUG-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	11/944,069	Confirmation Number	4639	Filing Date	2007-11-21
Attorney Docket Number (optional)	5193-0001	Art Unit		Examiner	
First Named Inventor	Charles Starr				
Title of Invention	Specialized Sock Having Removable Insert				
Attention: Office of Petitions An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV). APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE. A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
Name of Inventor who is 65 years of age, or older					
Given Name	Middle Name	Family Name	Suffix		
Charles		Starr			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature. Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/michaeldiaz/		Date (YYYY-MM-DD)	2011-08-23	
Name	Michael Diaz		Registration Number	40588	

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/944,090	11/21/2007	Asif Grushkevich	0008-128001/BU6695	4679

57246	7590	01/07/2011
BRAKE HUGHES BELLERMANN LLP		
c/o CPA Global		
P.O. Box 52050		
Minneapolis, MN 55402		

EXAMINER	
HUANG, WEN WU	

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
01/07/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

BILL@BRAKEHUGHES.COM
uspto@brakehughes.com
docketing@cpaglobal.com



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BRAKE HUGHES BELLERMANN LLP
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402

MAIL

JAN 07 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Grushkevich, Asif
Application No. 11/944, 090
Filed: November 21, 2007
Attorney Docket No. 0008-128001/BU6695

NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 C.F.R. §1.313(b)

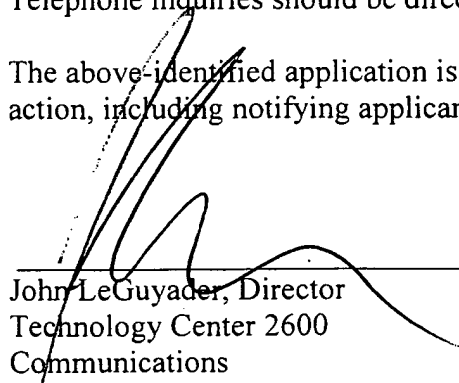
The purpose of this communication is to inform you that the above identified application is being withdrawn from issue pursuant to 37 C.F.R. §1.313.

The above-identified application is hereby withdrawn from issue.

Patent and Trademark Office records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

Telephone inquiries should be directed to Matthew Anderson at 571-272-4177.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.


John LeGuyader, Director
Technology Center 2600
Communications

CC: Office of Publications:

Patent Clerk, Randolph Square, Room 09D30-B
Supervisory Correspondence Clerk, Randolph Square, 09D33

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11944110	
Filing Date	21-Nov-2007	
First Named Inventor	James Masamoto	
Art Unit	2618	
Examiner Name	RAYMOND DEAN	
Attorney Docket Number	071844	
Title	METHOD AND SYSTEM FOR TRANSMITTING RADIO DATA SYSTEM (RDS) DATA	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/ Kevin Cheatham /
Name	Kevin Cheatham
Registration Number	48766



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 20, 2012

In re Application of :

James Masamoto

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11944110

Filed : 21-Nov-2007

Attorney Docket No : 071844

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 20, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2618 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

APR 28 2011

OFFICE OF PETITIONS

COOPER & DUNHAM LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK, NY 10112

In re Application of
Kenneth Brooks, et al.
Application No. 11/944,196
Filed: November 21, 2007
Attorney Docket No.: 1166/78303-CIP

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:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed March 2, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 17, 2011, as required by the Notice of Allowance and Fee(s) Due mailed November 17, 2010. A Notice of Abandonment was subsequently mailed on March 2, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,510 issue fee and \$300 publication fee; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOYCE VON NATZMER
PEQUIGNOT + MYERS LLC
200 MADISON AVENUE
SUITE 1901
NEW YORK NY 10016

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of
Hanns-Martin Schmidt et al.
Application No. 11/944,253
Filed: November 21, 2007
Attorney Docket No. 3029-116

:
: **DECISION ON APPLICATION**
: **FOR PATENT TERM ADJUSTMENT**
:

This is a decision on the "REQUEST FOR RECALCUATION OF PATENT TERM ADJUSTMENT" filed May 3, 2011. Applicants request that the patent term adjustment at the time of the mailing of the Notice of Allowance be corrected from 72 to either 289 or 287 days.

The application for patent term adjustment is **DISMISSED**.

On February 3, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 72 days. The instant application for patent term adjustment was timely filed¹.

On June 23, 2010 a Final Office Action was mailed. Applicants filed a response on August 23, 2010. Then on December 16, 2010, applicants filed a Supplemental Response.

Applicants dispute the reduction of "84 days (time between 9/23/10 and 12/16/10; resulting in a PTA of 156 day) or 82 days (time between 9/23/10 and 12/16/10; resulting in a PTA of 154) (37 CFR 1.704(b));" and requests that the patent term be extended "due to examination delay by 133 days to account for the time between applicants' after final response (8/23/10) and the issuance of the Notice of Allowance (2/3/11; resulting in a PTA of 289 or 287 days.....)".

Applicant's arguments have been considered, but not found to be persuasive. Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution.

¹ PALM records indicate that the Issue Fee was also received on May 3, 2011.

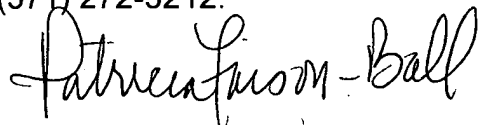
In this instance, the filing of the Amendment on December 16, 2010 is considered a failure to engage under 1.704(c)(8). The record does not support a conclusion that the amendment was expressly requested by the examiner.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is 74 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025**

MAILED

OCT 31 2011

OFFICE OF PETITIONS

In re Application of
FISHER, et al
Application No. 11/944,267
Filed: November 21, 2007
Attorney Docket No. PA5599US

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 11, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Myrna M. Schelling on behalf of the attorneys of record associated with Customer No. 22830.

The attorneys of record associated with Customer No. 22830 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHELLE FISHER
2930 DOMINGO AVE, SUITE 123
BERKELEY, CA 94705



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/944,267	11/21/2007	Michelle FISHER	PA5599US

CONFIRMATION NO. 5012

POWER OF ATTORNEY NOTICE



OC000000050671287

Date Mailed: 10/28/2011

22830
CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK, CA 94025

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/11/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : October 14, 2010

TO SPE OF : ART UNIT 3672

SUBJECT : Request for Certificate of Correction for Appl. No.: 11944272 Patent No.: 7735583

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D40-C
Palm Location 7580**

**Certificates of Correction Branch
703-756-1573**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

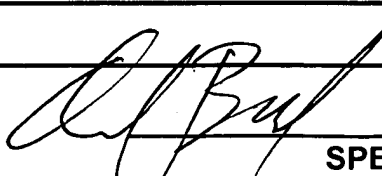
☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


DAVID BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600 3672
SPE **Art Unit**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DICKIE, BILLIG & CZAJA
Fifth Street Towers
100 South Fifth Street
Suite 2250
Minneapolis, MN 55402

MAILED

SEP 21 2010

In re Application of	:	OFFICE OF PETITIONS
Stephanie Duke	:	
Application No. 11/944,277	:	DECISION ON PETITION
Filed: November 21, 2007	:	TO WITHDRAW
Attorney Docket No. D1105.101.101	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2010.


The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael A. Bond on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Stephanie Duke at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

A handwritten signature in cursive script that reads "Terri Johnson".

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Stephanie Duke**
2310 Drew Avenue S.
Minneapolis, MN 55416



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/944,277	11/21/2007	Stephanie Duke	D1105.101.101

CONFIRMATION NO. 5031

POWER OF ATTORNEY NOTICE



25281
DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

Date Mailed: 09/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/26/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110**

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of

RAKIB, Shlomo Selim et al.

Application No. 11/944,290

Filed: November 21, 2007

Attorney Docket No. **NOVA-00700**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 02, 2010.


The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R. 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under C.F.R 3.71, who has properly intervened by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.


Michelle R. Eason
Paralegal Specialist
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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**STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110**

MAILED

MAR 02 2011

In re Application of
Shilomo Selim RAKIB et al.
Application No. 11/944,290
Filed: November 21, 2007
Attorney Docket No. NOVA-00700

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 24, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by David R. Stevens on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **NOVAFORA, INC.**
2460 N. 1ST ST., SUITE 200
SAN JOSE, CA 95131

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101109A

DATE : November 09, 2010

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction on Patent No.: 7,486,521

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

Changes are acceptable

/T C Patel/
Supervisory Patent Examiner.Art Unit 2839

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 2

PATENT NO. : 7,486,521

APPLICATION NO.: 11/944,345

ISSUE DATE : 02/03/2009

INVENTOR(S) : Choon Tak Tang, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the drawings, Sheet 3 of 13, consisting of Fig-1c, should be replaced with the corrected Sheet 3 of 13, consisting of Fig-1c, as shown on the attached page.

Column 2, line 40, the text "FIG. 1, comprises" should be changed to --FIGS.1A-1D, comprise--.

Column 3, lines 34 to 35 and 36 to 37, the text "pin structure 220", each occurrence, should be changed to --the structure of pin 22--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

P.O. Box 51418
Palo Alto, CA 94303

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of
Matthew S. Gast
Application No. 11/944,346
Filed: November 21, 2007
Attorney Docket No. 43390-8039.US01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Brian R Coleman on behalf of all attorneys of record who are associated with customer No. 22918. All attorneys/agents associated with the Customer Number 22918 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed November 23, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: TRAPEZE NETWORKS, INC.
C/O JUNIPER NETWORKS, INC
1194 NORTH MATHILDA AVENUE
SUNNYVALE, CA 94089-1206



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/944,346	11/21/2007	Matthew S. Gast	43390-8039.US01

CONFIRMATION NO. 5178

POWER OF ATTORNEY NOTICE



OC000000046628997

Date Mailed: 03/17/2011

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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JUNIPER NETWORKS, INC.
C/O COOLEY LLP
777 - 6TH STREET, NW SUITE 1100
WASHINGTON DC 20001

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Application of :
Matthew S. Gast :
Application No. 11/944,346 : **DECISION GRANTING PETITION**
Filed: November 21, 2007 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. JUNE-131/00us 108200- :
2181 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 27, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 24, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/944,509	11/23/2007	Philippe BONNEYRAT	318400US26	5503
7590 11/19/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER YU, JUSTINE ROMANG	
			ART UNIT 3771	PAPER NUMBER
			NOTIFICATION DATE 11/19/2010	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management



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United States Patent and Trademark Office
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MAIL

SEP 01 2010

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

ROBERT PLOTKIN, PC
15 New England Executive Office Park
Burlington MA 018033

In re Application of
CARRAUX, ERIC, et al.
Application No. 11/944,517
Filed: November 23, 2007
Attorney Docket No. **M0002-1016**

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 30, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun;

- (7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s) and
(8) The petition fee under 37 CFR 1.17(h).

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ken Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of :
Aaron V. Kaplan, et. al. :
Application No. 11/944,522 :
Filed: November 23, 2007 :
Attorney Docket No. 20043.0003USC1 :

NOTICE

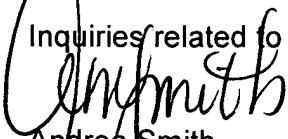
This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on November 17, 2010.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Additionally, the request is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Clark A.D. Wilson appearing on the request shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. A courtesy copy of this Notice is being mailed to the address given in the present request. Thereafter, all future communications from the Office will be mailed to the address of record until otherwise instructed.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Clark A.D. Wilson
Gardner Groff Greenwald & Villanueva, PC
2018 Powers Ferry Road – Suite 800
Atlanta, GA 30339



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BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l.
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Beaulieu, et al. :
Application No. 11/944,567 :
Filed: November 23, 2007 :
Attorney Docket No. DSTM 14925-10 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Bib Data Sheet

CONFIRMATION NO. 5625

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/944,567	11/23/2007	423	1793	DSTM 14925-10
RULE				

APPLICANTS

Martin BEAULIEU, Ste-Foy, CANADA;
Stephane CHABOT, Levis, CANADA;
Yves CHAREST, Ancienne-Lorette, CANADA;
Jean-Francois SAVARD, Ste-Foy, CANADA;

** CONTINUING DATA *****

This appln claims benefit of 60/882,260 12/28/2006

** FOREIGN APPLICATIONS *****

IF REQUIRED, FOREIGN FILING LICENSE GRANTED

** 12/08/2007

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY CANADA	SHEETS DRAWING 2	TOTAL CLAIMS 25	INDEPENDENT CLAIMS 3
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature	Initials		

ADDRESS

AIR MAIL

1059

TITLE

PROCESSES FOR TREATING ALUMINIUM DROSS RESIDUES

FILING FEE RECEIVED 925	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit



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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of
James Stephens et al.
Application No. 11/944,610
Filed: November 24, 2007
Attorney Docket No. 36438-702.201

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed August 4, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by U.P. Peter Eng on behalf of all attorneys of record who are associated with Customer Number 21971.

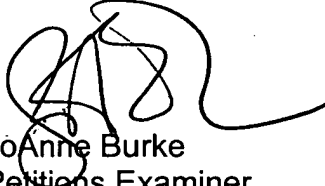
All attorneys/agents associated with Customer Number 21971 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee Blue Marble Energy Corporation at the address list listed in the request.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Blue Marble Energy Corporation
P.O. Box 9190
Seattle, WA 98109



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SEP 09 2010

OFFICE OF PETITIONS

ELIAS BORGES
56 ABERFOYLE CRESCENT, SUITE 840
CANADA ON M8X2W-4 CA CANADA

In re Application of
Grant Atkinson, et al.
Application No. 11/944,678
Filed: November 26, 2007
Attorney Docket No.: 02-2697

ON PETITION

This is a decision in response to the petition, filed June 16, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

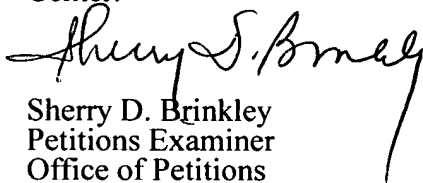
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 11, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 12, 2009. A Notice of Abandonment was mailed on January 7, 2010. On June 16, 2010, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply in the form of an amendment; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3673 for appropriate action by the Examiner in the normal course of business on the response filed June 16, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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PATENT & LEGAL SERVICES
111 LORD DRIVE
P.O. Box 8012
CARY NC 27512-8012**

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DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
Rawson, Scott A. :
Application No. 11/944,879 :
Filed: November 26, 2007 :
Attorney Docket No. IR-2819 (MFW) CON :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$1620.00, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1730.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 3657 for further examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions



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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

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DEC 09 2011

OFFICE OF PETITIONS

In re Application of :
Short :
Application No 11/944,893 : **ON PETITION**
Filed: November 26, 2007 :
Attorney Docket No. 20294/0208568-USO :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 21, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is June 22, 2011. A Notice of Abandonment was mailed on September 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$465.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$930.00; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR §10.18(b). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3742 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



Charlema Grant
Attorney Advisor
Office of Petitions

Cc: David Leason
One Barker Avenue, Fifth Floor
White Plains, NY 10601



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SLATER & MATSIL L.L.P.
17950 PRESTON ROAD, SUITE 1000
DALLAS TX 75252

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JAN 3 1 2012

In re Application of	:	
Chen-Cheng Kuo	:	OFFICE OF PETITIONS
Application No. 11/945,022	:	DECISION GRANTING PETITION
Filed: November 26, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. TSM07-0362	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 25, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 19, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2815 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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OFFICE OF PETITIONS

SOCAL IP LAW GROUP LLP
310 N. WESTLAKE BLVD. STE 120
WESTLAKE VILLAGE, CA 91362

In re Application of
Patrik A. Kunzler, et. al.
Application No. 11/945,063
Filed: November 26, 2007
Attorney Docket No. M013-P07425US

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed June 22, 2010.

The request is **NOT APPROVED**.

It is noted that a power of attorney was filed by the assignee on July 13, 2010, which revoked any previous power of attorney or authorization of agent. Therefore, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the new address of record until otherwise notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/945,088	11/26/2007	Qian SUN	10195.0021	6743

EXAMINER	
NGUYEN, MAIKHANH	

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
10/27/2010	PAPER

7590 10/27/2010
Huawei Technologies Co., Ltd./Finnegan
901 New York Avenue
NW
Washington, DC 20001

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

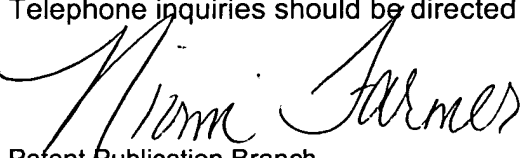
This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☒ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



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**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834**

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of	:	
GABLE , Richard et al.	:	
Application No. 11/945,149	:	DECISION ON PETITION
Filed: November 26, 2007	:	TO WITHDRAW
Attorney Docket No. 2010-005	:	FROM RECORD
	:	


This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 29, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Kilpatrick Townsend & Stockton LLP has been revoked by the assignee of the patent application on May 10, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the new address of record until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.


Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Decision Date : March 6, 2012

In re Application of :

William Wanker

Application No : 11945242

Filed : 26-Nov-2007

Attorney Docket No : 67436-8002.US01

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 6, 2012

The request is **APPROVED**.

The request was signed by Jordan M. Becker (registration no. 39602) on behalf of all attorneys/agents associated with Customer Number 22918 . All attorneys/agents associated with Customer Number 22918 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name William Paul Wanker

Name2

Address 1 369 Montezuma #339

Address 2

City Santa Fe

State NM

Postal Code 87501

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11945242	
Filing Date	26-Nov-2007	
First Named Inventor	William Wanker	
Art Unit	3693	
Examiner Name	CHO YIU KWONG	
Attorney Docket Number	67436-8002.US01	
Title	APPLICATION OF QUERY WEIGHTS INPUT TO AN ELECTRONIC COMMERCE INFORMATION SYSTEM TO TARGET ADVERTISING	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22918		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	William Paul Wanker	
Address	369 Montezuma #339	
City	Santa Fe	
State	NM	
Postal Code	87501	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Jordan M. Becker/
Name	Jordan M. Becker
Registration Number	39602



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Paper No.

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS MN 55440-1022

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SEP 08 2011

OFFICE OF PETITIONS

In re Application of :
Minns et al. : DECISION ON APPLICATION
Application No. 11/945,253 : FOR
Filed: November 26, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. 07844-884001/P778:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)," filed September 2, 2011. Applicant requests that the patent term adjustment indicated on the initial determination of patent term adjustment be corrected from five hundred sixty-eight (568) days to five hundred seventy (570) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is five hundred seventy (570) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On July 28, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 568 days. The instant application for patent term

adjustment was timely filed¹ on or before payment of the issue fee. Applicant disputes the initial determination of patent term adjustment on the basis that a 2 day reduction should not have been entered for a reply to an Office action (of August 20, 2010) due on or before November 22, 2010. Applicant states that as intended by 35 U.S.C. § 154(b)(2)(C)(ii), the three-month date should be calculated from November 22, 2010, as November 20, 2010, falls over a weekend, and requests the Office recalculate this period of applicant delay as 0 days.

Applicant is correct that this period of reduction, pursuant to 35 U.S.C. § 154(b)(2)(C) and 37 CFR 1.704(b), is incorrectly calculated as 2 days. This reduction has been reconsidered, and it is determined that entry of a reduction for this reply timely filed pursuant to 35 U.S.C. § 21(b) is not warranted. Accordingly, the period of reduction of 2 days is being removed.

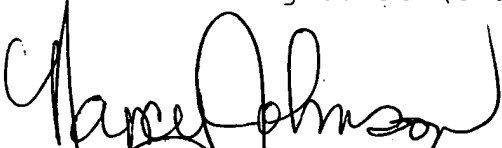
No other adjustments or reductions are at issue.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 570 days.

Submission of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of PALM calculation

¹ The issue fee has not been received. It is due by October 28, 2011.



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 11945253

[Search](#)

[Explanation of PTA Calculation](#)

[Explanation of PTE Calculation](#)

PTA Calculations for Application: **11945253**

Application Filing Date	11/26/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	571
A Delays	571	PTO Manual Adjustment	2
B Delays	0	Applicant Delay (APPL)	3
C Delays	0	Total PTA (days)	570

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
59	09/04/2011		P028	Adjustment of PTA Calculation by PTO	2	0	
53	07/28/2011		MN/=.	Mail Notice of Allowance		0	
52	07/25/2011		OAR	Office Action Review		0	
51	07/25/2011		OAR	Office Action Review		0	
50	07/25/2011		IREV	Issue Revision Completed		0	
49	07/25/2011		DVER	Document Verification		0	
48	07/19/2011		N/=.	Notice of Allowance Data Verification Completed		0	
47	07/14/2011		EX.R	Reasons for Allowance		0	
46	07/14/2011		CNTA	Allowability Notice		0	
41	05/10/2011		FWDX	Date Forwarded to Examiner		0	
44	05/04/2011		IDSC	Information Disclosure Statement considered		0	
43	05/04/2011		RCAP	Reference capture on IDS		0	
42	05/04/2011	05/03/2011	M844	Information Disclosure Statement (IDS) Filed		1	40
37	05/04/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
45	05/03/2011		IDSC	Information Disclosure Statement considered		0	
40	05/03/2011		A...	Response after Non-Final Action		0	
39	05/03/2011		RCAP	Reference capture on IDS		0	
38	05/03/2011		M844	Information Disclosure Statement (IDS) Filed		0	
36	05/03/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
35	02/09/2011		ELC_RVW	Electronic Review		0	
34	02/03/2011		EML_NTF	Email Notification		0	
33	02/03/2011		MCTNF	Mail Non-Final Rejection		0	
32	01/27/2011		CTNF	Non-Final Rejection		0	
31	11/30/2010		FWDX	Date Forwarded to Examiner		0	
30	11/22/2010	11/20/2010	A...	Response after Non-Final Action		2	27
29	08/20/2010		ELC_RVW	Electronic Review		0	
28	08/20/2010		EML_NTF	Email Notification		0	
27	08/20/2010	01/26/2009	MCTNF	Mail Non-Final Rejection	571	0.5	
26	08/16/2010		CTNF	Non-Final Rejection		0	
20	08/04/2010		DOCK	Case Docketed to Examiner in GAU		0	
19	06/18/2008		DOCK	Case Docketed to Examiner in GAU		0	
18	05/05/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete		0	
15	03/27/2008		OIPE	Application Dispatched from OIPE		0	
21	02/25/2008		IDSC	Information Disclosure Statement considered		0	
17	02/25/2008		RCAP	Reference capture on IDS		0	
16	02/25/2008		M844	Information Disclosure Statement (IDS) Filed		0	
13	02/25/2008		WIDS	Information Disclosure Statement (IDS) Filed		0	
12	02/06/2008		PGPC	Sent to Classification Contractor		0	
11	02/06/2008		FLRCPT.U	Filing Receipt - Updated		0	
10	02/06/2008		COMP	Application Is Now Complete		0	
9	01/29/2008		FLFEE	Payment of additional filing fee/Preexam		0	
8	01/29/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic		0	
7	01/29/2008		CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems		0	
6	12/14/2007		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned		0	
5	12/14/2007		FLRCPT.O	Filing Receipt		0	
4	12/04/2007		L194	Cleared by OIPE CSR		0	
3	11/27/2007		SCAN	IFW Scan & PACR Auto Security Review		0	
2	11/26/2007		NPRQ	PGPubs nonPub Request		0	
1	11/26/2007		IEXX	Initial Exam Team nn		0	
0.5	11/26/2007		EFIL	Filing date		0	

Export to: [Excel](#)



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MENTOR GRAPHICS CORP.
PATENT GROUP
8005 SW BOECKMAN ROAD
WILSONVILLE OR 97070-7777

MAILED

APR 12 2011

OFFICE OF PETITIONS

In re Application of
Tomblin et al.
Application No. 11/945,263
Filed: November 26, 2007
Attorney Dkt. No. 10396-REG1/TLE
For: Parallel Data Output

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a restriction requirement mailed August 3, 2010. The Office Action set a one (1) month shortened statutory period for reply. No timely extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on September 4, 2010. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply to the restriction requirement (2) the petition fee of \$1620.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2825 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110502

DATE : May 2, 2011

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 7,642,957

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

SPE: /Thomas H. Tarcza/

Art Unit 3662



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/945,408	11/27/2007	Seiji Asano	056208.59674US	7326
23911 7590 10/18/2011 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER BRADLEY, AUDREY KLASTERKA	
			ART UNIT 3748	PAPER NUMBER
			MAIL DATE 10/18/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22311
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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

::
::
:
::

In re Application of:
ASANO, SEIJI et al
Serial No.: 11/945,408
Filed: June 28, 2007
Attorney File No: 056208.59674US
Title: FUEL CONTROL DEVICE
AND FUEL CONTROL METHOD

DECISION ON PETITION

This is a decision on the petition filed on October 5, 2011 seeking withdrawal of the finality of the Office action mailed June 29, 2011. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the October 5, 2011 petition, the petitioner requests the finality of the Office action of June 29, 2011 be reconsidered and withdrawn because the applicant believes that the final rejection was premature. In particular, petitioner argues that the examiner's new grounds of rejection were not necessitated by the applicant's amendment of May 27, 2011.


A further review of the file record shows that the instant petition was filed more than two months after the mailing date of the final Office action of June 29, 2011. Pursuant to 37 CFR 1.181(f)¹, the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of June 29, 2011 will not be granted. Based on the reasons as stated above, petitioner's request to withdraw the finality of the Office action dated June 29, 2011 is hereby dismissed as untimely.

¹ 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.



Donald T. Hajec, Director
Technology Center 3700



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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA, 44TH FLOOR
NEW YORK, NY 10112-4498

MAILED

JUN 16 2011

OFFICE OF PETITIONS

In re Application of
Siu-Wai CHAN
Application No. 11/945,529
Filed: November 27, 2007
Attorney Docket No. **070050.3427**

:
:
:
DECISION ON PETITION
:
UNDER 37 CFR 1.137(b)
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

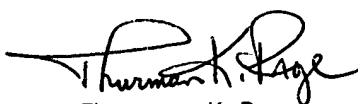
This application became abandoned for failure to timely pay the issue and publication fees on or before February 18, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 18, 2010. Accordingly, the date of abandonment of this application is February 19, 2011.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to the Office of Data Management for processing into a patent.


Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : May 31,2011

In re Application of :

Yue Ma

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11945620

Filed : 27-Nov-2007

Attorney Docket No : CN920060071US1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 31,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2129 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11945620	
Filing Date	27-Nov-2007	
First Named Inventor	Yue Ma	
Art Unit	2129	
Examiner Name	STANLEY HILL	
Attorney Docket Number	CN920060071US1	
Title	CONTEXT BASED BOOKMARK	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Bruce R. Needham/
Name	Bruce R. Needham
Registration Number	56421



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**THE SERVICEMASTER COMPANY
ATTN: KEVIN MacKHNON
860 RIDGE LAKE BOULEVARD
MEMPHIS TN 38120**

MAILED
NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
Tony Loftis :
Application No. 11/945,645 : **DECISION ON PETITION**
Filed: November 27, 2007 :
Attorney Docket No. 77316.1520 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 27, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 27, 2011. Accordingly, the date of abandonment of this application is October 28, 2011. A Notice of Abandonment was mailed on November 7, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,740 and the publication fee of \$300, (2) the petition fee of \$1,860, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

cc: Bukola T. Aina
1050 Connecticut Avenue, NW Suite 1100
Washington, DC 20036

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/13/11

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction for Appl. No.: 11945763 Patent No.: 8000417

CofC mailroom date: 09/01/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: Should the changes in the claims be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Chet M. Fa 2811

SPE

Art Unit



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Commissioner for Patents
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OFFICE OF PETITIONS

Foley & Lardner LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of	:	
Conwell et al.	:	ON APPLICATION FOR
Application No. 11/945,859	:	PATENT TERM ADJUSTMENT
Filed: November 27, 2007	:	
Attorney Docket No. 098888-2035	:	
For: CONTENT IDENTIFIERS	:	
	:	

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 CFR §1.705(b)" filed November 22, 2011. Applicants request that the determination of patent term adjustment be corrected from three hundred twenty (320) days to seven hundred eighty-eight (788) days. Applicants' dispute the 10 day reduction. Applicants also request additional days based upon the failure to issue the patent within three years.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required. The fee set forth in 37 CFR 1.18(e) is required and will not be refunded.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of

issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

To the extent that applicants otherwise request reconsideration of the patent term adjustment at the time of the mailing of the notice of allowance, the application for patent term adjustment is **Granted** to the extent indicated.

On August 25, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 320 days. The instant application for patent term adjustment was timely filed on November 22, 2011.

Applicants contend that the USPTO erroneously deducted 10 days pursuant to 37 CFR 1.704(c)(8) for the submission of an Information Disclosure Statement (IDS) filed after the reply to the Office action on August 11, 2010. Applicants contend the response to the Office action was submitted on August 4, 2010 not August 1, 2010. Thus, the reduction should be calculated as 7 days, not 10 days.

A review of the record shows that the 10 day reduction for the submission of the IDS on August 11, 2010 was not warranted. Instead a 7 day reduction is required. 37 CFR §1.704(c)(8) provides that a period of reduction is entered for:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

- (8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

In this instance, the 7 day delay is calculated beginning on August 5, 2010 the day after the submission of the response to the Office action on August 4, 2010 and ends on August 11, 2010 the day the supplemental reply, in this instance the IDS was

submitted. The 10 day reduction will be removed and a 7 day reduction will be entered.

The total days of Office delay at the time of the mailing of the notice of allowance is 330 days. The total days of Applicants delay at the time of the mailing of the Notice of Allowance is 7 days.

In view thereof, the determination of PTA at the time of the mailing of the notice of allowance is three hundred twenty-three **(323)** days.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

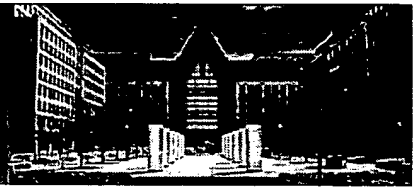


Charlema Grant
Attorney Advisor
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 11945859

[Search](#)

[Explanation of PTA Calculation](#)

[Explanation of PTE Calculation](#)

PTA Calculations for Application: 11945859

Application Filing Date	11/27/2007	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	330
A Delays	330	PTO Manual Adjustment	3
B Delays	0	Applicant Delay (APPL)	10
C Delays	0	Total PTA (days)	323

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
69	12/04/2011		P028	Adjustment of PTA Calculation by PTO		2	0
68	12/04/2011		P028	Adjustment of PTA Calculation by PTO	10		0
60	08/25/2011		MM/ =.	Mail Notice of Allowance			0
59	08/25/2011		OAR	Office Action Review			0
58	08/25/2011		OAR	Office Action Review			0
57	08/25/2011		N/ =.	Notice of Allowance Data Verification Completed			0
56	08/25/2011		IREV	Issue Revision Completed			0
55	08/24/2011		OAR	Office Action Review			0
54	08/24/2011		OAR	Office Action Review			0
53	08/24/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0
52	08/24/2011		DVER	Document Verification			0
51	08/14/2011		EX.R	Reasons for Allowance			0
50	08/14/2011		CNTA	Allowability Notice			0
46	07/11/2011		FWDX	Date Forwarded to Examiner			0
45	06/27/2011		A...	Response after Non-Final Action			0
49	06/24/2011		IDSC	Information Disclosure Statement considered			0
48	06/24/2011		RCAP	Reference capture on IDS			0
47	06/24/2011		M844	Information Disclosure Statement (IDS) Filed			0
44	06/24/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
43	03/29/2011		MCTNF	Mail Non-Final Rejection			0
42	03/27/2011		CTNF	Non-Final Rejection			0
41	01/26/2011		FWDX	Date Forwarded to Examiner			0
40	01/25/2011		A...	Response after Non-Final Action			0
39	12/15/2010		PA..	Change in Power of Attorney (May Include Associate POA)			0
38	12/14/2010		CAD	Correspondence Address Change			0
37	10/28/2010		MCTNF	Mail Non-Final Rejection			0
36	10/25/2010		CTNF	Non-Final Rejection			0
35	08/11/2010		IDSC	Information Disclosure Statement considered			0
34	08/11/2010		RCAP	Reference capture on IDS			0
33	08/11/2010	08/01/2010	M844	Information Disclosure Statement (IDS) Filed		10	30
32	08/11/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
31	08/10/2010		FWDX	Date Forwarded to Examiner			0
30	08/01/2010		A...	Response after Non-Final Action			0
29	05/24/2010		MCTNF	Mail Non-Final Rejection			0
28	05/23/2010		CTNF	Non-Final Rejection			0
27	03/09/2010		P574	PARALEGAL OR ELECTRONIC TERMINAL DISCLAIMER APPROVED			0
25	03/09/2010		FWDX	Date Forwarded to Examiner			0
26	02/08/2010	02/08/2010	DIST	Terminal Disclaimer Filed			24
24	02/08/2010		A...	Response after Non-Final Action			0
23	12/23/2009	01/27/2009	MCTNF	Mail Non-Final Rejection	330		0.5
22	12/20/2009		CTNF	Non-Final Rejection			0
19	08/17/2009		DOCK	Case Docketed to Examiner in GAU			0
18	02/04/2009		DOCK	Case Docketed to Examiner in GAU			0
17	01/07/2009		A.PE	Preliminary Amendment			0
15	06/05/2008		PG-ISSUE	PG-Pub Issue Notification			0
14	06/03/2008		DOCK	Case Docketed to Examiner in GAU			0
13	05/09/2008		TI1050	Transfer Inquiry to GAU			0
12	03/29/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
11	03/26/2008		OIPE	Application Dispatched from OIPE			0
10	02/29/2008		PGPC	Sent to Classification Contractor			0
9	02/29/2008		FLRCPT.U	Filing Receipt - Updated			0
8	02/29/2008		COMP	Application Is Now Complete			0
7	02/19/2008		ADDFLFE	Additional Application Filing Fees			0
6	02/19/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant			0
5	12/19/2007		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0

4	12/19/2007	FLRCPT.O	Filing Receipt	0
3	12/04/2007	L194	Cleared by OIPE CSR	0
2	11/27/2007	SCAN	IFW Scan & PACR Auto Security Review	0
1	11/27/2007	IEXX	Initial Exam Team nn	0
0.5	11/27/2007	EFILE	Filing date	0

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PERMAN & GREEN, LLP
99 HAWLEY LANE
STRATFORD CT 06614

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of	:
Monceaux et al.	:
Application No. 11/945,889	: DECISION ON PETITION
Filed: 11/27/2007	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket Number: 1102-013142-US	:
(PAR)	:

This is a decision on the PETITION TO ACCEPT UNINTENTIONALLY DELAYED BENEFIT CLAIM (37 C.F.R. § 1.78(a)(3)), filed on September 6, 2011, which is treated as a petition to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to the prior-filed international application set forth in the concurrently-filed amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the

benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed PCT application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 2812 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed application.



Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/945,889	11/27/2007	2812	1160	1102-013142-US (PAR)	16	3

CONFIRMATION NO. 8163

CORRECTED FILING RECEIPT

2512
Perman & Green, LLP
99 Hawley Lane
Stratford, CT 06614



Date Mailed: 09/29/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Jerome Monceaux, Paris, FRANCE;
Frederic Amadu, Chelles, FRANCE;
Yann Lecoeur, Colombes, FRANCE;

Assignment For Published Patent Application

ARKAMYS, Paris, FR

Power of Attorney: The patent practitioners associated with Customer Number 2512

Domestic Priority data as claimed by applicant

This application is a CON of PCT/FR06/01244 05/26/2006

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)
FRANCE 0551399 05/27/2005

If Required, Foreign Filing License Granted: 12/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/945,889**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD FOR PRODUCING MORE THAN TWO ELECTRIC TIME SIGNALS FROM ONE FIRST
AND ONE SECOND ELECTRIC TIME SIGNAL

Preliminary Class

381

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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DEMONT & BREYER, LLC
100 COMMONS WAY, STE. 250
HOLMDEL, NJ 07733

MAILED

MAY 05 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
GOETZ et al	:	
Application No.: 11/945,918	:	DECISION ON PETITION
Filing Date: November 27, 2007	:	UNDER 37 CFR 1.55
Attorney Docket No.: 9771-073US	:	

This is a decision on the petition under 37 CFR 1.55(c), filed March 16, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. 119(a)-(d) for benefit of the filing date of German Application No. 20 2005 008 465.4 filed May 27, 2005.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6);
- (2) the surcharge as set forth in 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Director may require additional information where there is a question whether the delay was unintentional.)

The instant petition fails to comply with item (1) above. In this regard, the Supplemental Application Data Sheet is not signed in accordance with 37 CFR 1.33. A signature on an accompanying cover letter is insufficient. Applicant may wish to refer to the most recent version of Form PTO/SB/14 (http://www.uspto.gov/forms/sb0014_fill.pdf) which contains an appropriate signature block.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description, "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration
(571) 272-3303



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100 COMMONS WAY, STE. 250
HOLMDEL, NJ 07733

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JUL 20 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
GOETZ et al	:	
Application No.: 11/945,918	:	DECISION ON PETITION
Filing Date: November 27, 2007	:	UNDER 37 CFR 1.55
Attorney Docket No.: 9771-073US	:	

This is a decision on the renewed petition under 37 CFR 1.55(c), filed May 23, 2011, for acceptance of an unintentionally delayed claim under 35 U.S.C. 119(a)-(d) for benefit of the filing date of German Application No. 20 2005 008 465.4 filed May 27, 2005.

The petition is **GRANTED**.

The present application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Director may require additional information where there is a question whether the delay was unintentional); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The above-identified pending nonprovisional application was filed after November 29, 2000 and within 12 months of the filing date of the foreign application to which benefit is now being claimed. On May 23, 2011, applicant furnished a properly executed supplemental Application Data Sheet (ADS) which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee has been received. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is granted.

This matter is being returned to Technology Center AU 3748 for examination.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration
(571) 272-3303



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170 SOUTH MAIN STREET, SUITE 735
SALT LAKE CITY UT 84101

MAILED

SEP 08 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Haug et al. :
Application No. 11/945,933 :
Filed: November 27, 2007 :
Attorney Docket No. 3603.2.1 :

This is a notice regarding your request, filed August 2, 2010, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees must be paid at the large entity rate.

Liana Walsh
Petitions Examiner
Office of Petitions



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Patent No. : 7853102
Application No.: 11/945973
Inventor(s) : Kun -Yi Lee et al.
Issued : 12/14/2010
Attorney Docket No.: 19206-014

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1. 17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:

**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Tasneem Siddiqui

For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 12/29/2010

Address: Anthony S. King
WPAT, P.C.
2030 Main Street, Suite 1300
Irvine, CA 92614

ts/md



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WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
1100 Quail Street, Suite 202
Newport Beach CA 92660

MAILED

JUN 09 2011

In re Patent No. 7,853,102
Issue Date: December 14, 2010
Application No. 11/945,973
Filed: November 27, 2007
Attorney Docket No. 19206-014

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the Request For Certificate Of Correction, filed February 2, 2011, which is being treated as a Petition Under 37 CFR §3.81(b) to add --China University of Science and Technology-- as the correct assignee's name to the Title Page of the Patent via a Certificate of Correction.

The petition under 37 CFR §3.81(b) is **DISMISSED**.


Petitioner requests that the present Petition was submitted to add the correct --China University of Science and Technology-- on the previously submitted PTOL-85B and such error was inadvertent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

U.S. Patent and Trademark Office assignment records disclose that an assignment *China University of Science and Technology* was submitted for recordation on January 12, 2011. Therefore, the recorded assignment was **after the date of issuance of this patent**. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certification of correction would not be proper.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/946,040	11/27/2007	Mark Hsiao	AM 6465.C1	8480
27432	7590	09/02/2010		
ROBERT J. STERN 3074 HARCROSS RD. WOODSIDE, CA 94062-2321			EXAMINER COLEMAN, WILLIAM D	
			ART UNIT	PAPER NUMBER
			2823	
			MAIL DATE	DELIVERY MODE
			09/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Commissioner for Patents
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Paper No. 082410

Robert J. Stern
3074 Harcross Road
Woodside, CA 94062-2321

Appl No.: 11/946,040
Inv: Hsiao et al.
Filed: November 27, 2007
For: Low Temperature Process for TFT Fabrication

**DECISION ON PETITION
UNDER 37 CFR 1.181**

This is a decision on the Petition to Withdraw the Requirement for Information under 37 CFR § 1.105 under 37 CFR 1.181 filed on August 12, 2010. The Petition also requests that the Advisory Action of July 20, 2010 be withdrawn.

The Petition is **granted**.

After a careful review of the file and applicant's arguments, the arguments are found to be persuasive.

The applicant's citation to MPEP 704.11(b) is noted; and, associated comments thereon are found to be persuasive. Secondly, a Request for Information under 37 CFR §1.105 must be approved by the Technology Center 2800 Director. However, in reviewing the application file, the request was not signed by a Technology Center 2800 Director. For these reasons, the Petition is hereby **granted**.

The Advisory Action and the 37 CFR §1.105 Requirement for Information made therein are hereby vacated. The application file is being forwarded to Patent Examining Corps for further consideration consistent with this decision.

Inquiries pertaining to issues related to this Petition Decision should be addressed to Matthew S. Smith, Supervisory Primary Examiner of Art Unit 2823 at 571-272-1907.


Edward Lefkowitz
Acting Director
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/946,094	11/28/2007	Tadashi HAZAMA	2018-1861	8595
7590 05/05/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER ELLIS, RYAN H	
			ART UNIT 3745	PAPER NUMBER
			MAIL DATE 05/05/2011	DELIVERY MODE PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nim Sarmel
Patent Publication Branch
Office of Data Management

APPROVED: /AGG/ 01/22/2012

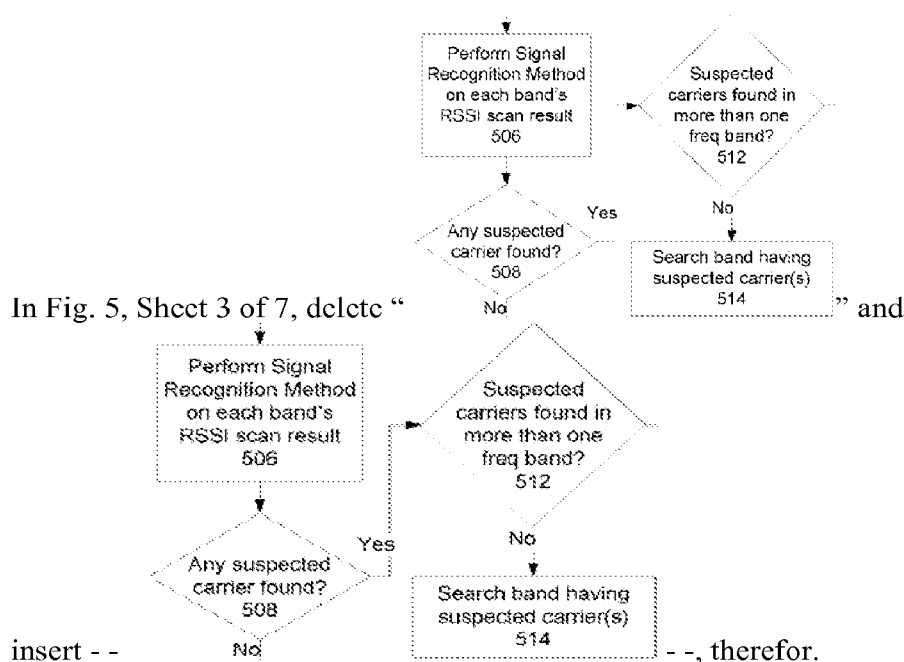
PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 4

PATENT NO. : 7,970,361 B2
APPLICATION NO. : 11/946,142
ISSUE DATE : June 28, 2011
INVENTOR(S) : G. Nader, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:



MAILING ADDRESS OF SENDER (Please do not use customer number below):

6300 Legacy, MS EVR 1-C-11
Plano, TX 75024
972-583-8656

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

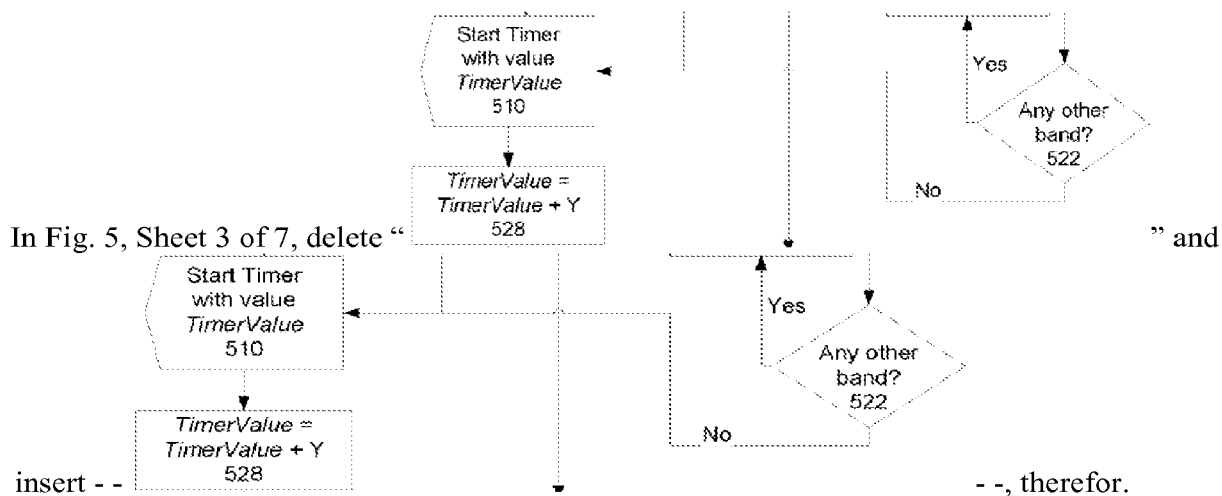
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 2 of 4

PATENT NO. : 7,970,361 B2
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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 3 of 4

PATENT NO. : 7,970,361 B2
APPLICATION NO. : 11/946,142
ISSUE DATE : June 28, 2011
INVENTOR(S) : G. Nader, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Fig. 6A, Sheet 4 of 7, in Box "614", in Line 2, delete "CarrBandWith" and insert - - CarrBandWidth - -, therefor.

In Fig. 6B, Sheet 5 of 7, in Box "618", in Line 1, delete "DiffTresh" and insert - - DiffThresh - -, therefor.

In Fig. 6B, Sheet 5 of 7, in Box "622", in Line 2, delete "(CarrBandWlth" and insert - - (CarrBandWidth - -, therefor.

In Fig. 6B, Sheet 5 of 7, in Box "626", in Line 1, delete "Invalld" and insert - - Invalid - -, therefor.

In Fig. 6B, Sheet 5 of 7, in Box "630", in Line 1, delete "MatchStartIncx" and insert - - MatchStartIndx - -, therefor.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 4 of 4

PATENT NO. : 7,970,361 B2
APPLICATION NO. : 11/946,142
ISSUE DATE : June 28, 2011
INVENTOR(S) : G. Nader, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Column 8, Line 60, delete "IncIThresh," and insert - - InclThresh, - -, therefor.

In Column 9, Line 38, delete "IncThresh," and insert - - InclThresh, - -, therefor.

In Column 9, Lines 55-56, delete "IncI-Thresh," and insert - - InclThresh, - -, therefor.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

6300 Legacy, MS EVR 1-C-11
Plano, TX 75024
972-583-8656

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED
APR 10 2012
OFFICE OF PETITIONS

In re Application of
Dillon et al.
Application No. 11/946,197
Filed: November 28, 2007
Attorney Docket No. CE17423

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 29, 2012, which, for the reasons stated below, is being treated as a request for a three month extension of time.

The request for a three- month extension of time is **GRANTED**.
The petition filed under 37 CFR 1.137(b) is **DISMISSED**

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed August 29, 2011. The Office Action set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before November 29, 2011, or on or before February 29, 2012 with the submission of an extension of time fee pursuant to the provisions of 37 CFR 1.136(a). Since petitioner may obtain an extension of time up to and including February 29, 2012, this case is not in fact abandoned. Accordingly, the filing of a petition to revive is inappropriate until the maximum extendable period for reply has expired.

In view of the above, the overpayment of \$590.00 will be refunded to petitioner in due course.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3215.

This application is being referred to Art Unit 2617 for further action on the amendment submitted on petition.

Charlema Grant
Attorney Advisor
Office of Petitions



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DW AA-11

SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of :
Christopher H. Lanzi : DECISION ON PETITION TO
Application Number: 11/946,233 : WITHDRAW HOLDING OF
Filing Date: 11/28/2007 : ABANDONMENT
Attorney Docket Number: :
LANZI.4764-NY :
:

This is a decision on the "PETITION TO WITHDRAW ABANDONMENT UNDER 37 CFR 1.181(a)" filed on June 7, 2011.

The petition is **DISMISSED**.

The application became abandoned on January 14, 2011, for failure to timely submit a proper reply to the non-final Office action mailed on October 13, 2010, which set a three (3)-month shortened statutory period for reply. On January 13, 2011, a paper was filed. The paper filed, however, was a copy of the Office action mailed on October 13, 2010, rather than a reply thereto. On May 17, 2011, Notice of Abandonment was mailed.

Petitioner asserts that the holding of abandonment should be withdrawn because a response was filed. Petitioner further states:

Inadvertently, the wrong file was uploaded to EFS-Web. Although the Response was initially indexed during filing as an "Amendment/Req. Reconsideration-After Non-Final Reject," because the wrong file was attached and uploaded as the Response, the United States Patent & Trademark Office re-indexed the file as "Miscellaneous Incoming Letter." Applicant was not informed that a proper response had not been filed.

35 U.S.C. 132 states, in pertinent part:

Notice of rejection; reexamination.

(a) Whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application; and if after receiving such notice, the applicant persists in his claim for a patent, with or without amendment, the application shall be reexamined.

35 U.S.C. 133 states:

Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

A review of the Official file reveals that the paper filed on January 13, 2011 was a copy of the Office action mailed on October 13, 2010. No reply to the Office action was filed on January 13, 2011, or at any date prior to the filing of the present petition.

As such, while a paper was indeed filed on January 13, 2011, that paper is not a response within the meaning of § 133, as it is merely a copy of the Office action.

In this regard, while it is unfortunate that applicant inadvertently did not upload the reply, the showing of record remains that a reply to the Office action mailed on October 13, 2010 was not timely filed.

Abandonment takes place by operation of law for failure to timely submit a proper reply to an Office action.¹ It is undisputed that a reply to the Office action mailed on October 13, 2010, was not timely filed. Thus, the application became abandoned due to petitioner's failure to timely file a reply to the non-final Office action mailed on October 13, 2010.

Petitioners' assertion that the Office did not inform petitioners that a reply was not timely filed is not persuasive. To this end, although the USPTO attempts to notify parties as to defective papers in order to permit timely refiling, it has no obligation to do so.² Rather it is the applicants who are ultimately responsible for filing proper documents.³ As such, it is the fault of the applicant, not the USPTO, that a reply was not timely filed.

As such, the showing of record is that a reply was not timely filed. Accordingly, the application was properly held abandoned. The petition is **DISMISSED**.

Petitioner may wish to consider filing a petition to revive under 37 C.F.R. 1.137(b).

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision. **This time period may not be extended.** 37 CFR 1.181(f).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Mail Stop Petition

¹ MPEP 711.03(c). See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 299-300 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va. 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

² See In Re Columbo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994).

³ Id.

Application No. 11/946,233

4

Randolph Building
401 Dulany Street
Alexandria, VA 22314

A reply may also be filed via EFS-Web.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: _____

Application No.: _____

Art Unit: _____

Filed: _____

Examiner: _____

Title:

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.

☐ Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of _____ (identify type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature_____
Date_____
Type or Printed name_____
Registration Number, If applicable_____
Address_____
Telephone Number_____
Address

Enclosures:

- ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date_____
Signature_____
Typed or printed name of person signing certificate

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM NY 12110

MAILED

AUG 25 2011

OFFICE OF PETITIONS

In re Application of :
Christopher H. Lanzi :
Application Number: 11/946,233 : **ON PETITION**
Filing Date: 11/28/2007 :
Attorney Docket Number: :
LANZI.4764-NY :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on August 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on January 14, 2011, for failure to timely submit a proper reply to the non-final Office action mailed on October 13, 2010, which set a three (3)-month shortened statutory period for reply. On January 13, 2011, a paper was filed. The paper filed, however, was a copy of the Office action mailed on October 13, 2010, rather than a reply thereto. On May 17, 2011, Notice of Abandonment was mailed.

On June 7, 2011, a petition to withdraw the holding of abandonment was filed. On July 21, 2011, the petition was dismissed.

Receipt of the amendment filed on August 2, 2011 is acknowledged.

The application is being referred to Technology Center 1783 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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APR 13 2011

OFFICE OF PETITIONS

BWXT - Y12, LLC
LUEDEKA, NEELY & GRAHAM, P.C.
P.O. BOX 1871
KNOXVILLE, TN 37901

In re Application of
Ronald F. Simandl, et al.
Application No. 11/946,234
Filed: November 28, 2007
Attorney Docket No.: 61551.P1 (2056)

:
:
:
:
:

ON PETITION

This is a decision in response to the petition, filed February 14, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to an Office communication mailed June 7, 2010. A Notice of Abandonment was subsequently mailed on February 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 1786 for consideration by the Examiner in the normal course of business on the response filed February 14, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

MAILED
OCT 06 2010
OFFICE OF PETITIONS

In re Patent No. 7,782,535 :
Application No. 11/946,321 :
Filed: November 28, 2007 :
Issued: August 24, 2010 :
Attorney Docket No. FRI-PT 07-102 :

ON PETITION

This is a decision on the petition filed September 15, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Joan Olszewski
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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September 16, 2010

HDLS Patent & Trademark Service
4331 Stevens Battle Lane
Fairfax, VA 22033

Patent No. : 7, 735,214 B2
Ser. No. : 11/946,584
Inventor(s) : Che-Tung Wu, et al.
Issued : June 15, 2010
Docket No. : OP-096000636
Title : METHOD FOR MANUFACTURING METALLIC KEYPAD PANEL HAVING RIPPLE LUSTER

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (see *Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460 or (703) 756-1814

vt



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HDLS PATENT & TRADEMARK SERVICES
P.O. BOX 220746
CHANTILLY VA 20153-0746

MAILED
JUL 08 2011
OFFICE OF PETITIONS

In re Patent No. 7,735,214	:	
Issue Date: June 15, 2010	:	
Application No. 11/946,584	:	ON PETITION
Filed: November 28, 2007	:	
Attorney Docket No. OP-096000636	:	

This is a decision on the petition filed April 6, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE CA 95109-0005

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of
Premysl Vaclavik, et al.
Application No. 11/946,755
Filed: November 28, 2007
Attorney Docket No. ODM-013

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 5, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **ON DEMAND Microelectronics AG**
Donau-City Strasse 11; Ares Tower 10 Floor
Vienna 1220
Austria



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P.O. Box 2-E
San Jose, CA 95109-0005

MAILED

OCT 25 2010

In re Application of	:	OFFICE OF PETITIONS
Premysl Vaclavik, et al.	:	
Application No. 11/946,755	:	DECISION ON PETITION
Filed: November 28, 2007	:	TO WITHDRAW
Attorney Docket No. ODM-013	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed October 12, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Thomas Schneck on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Premysl Vaclavik at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Premysl Vaclavik**
Schonburgstr. 16
Vienna, A-1040
Austria



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/946,755	11/28/2007	Premysl Vaclavik	ODM-013

CONFIRMATION NO. 9742

POWER OF ATTORNEY NOTICE



Date Mailed: 10/22/2010

3897
SCHNECK & SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/12/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of :
Pramod Sharma, et al. :
Application No. 11/946,771 :
Filed: November 28, 2007 :
Attorney Docket No. **NAI1P617/07.116.01** :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 16, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.



Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MCAFEE, INC.**
C/O LOUIS RILEY
5000 HEADQUARTERS DRIVE
PLANO, TX 75024



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SEP 08 2011

OFFICE OF PETITIONS

McAfee-Wong Cabello Lutsch Rutherford & Brucculeri LLP
20333 Tomball Parkway, 6th Floor
Houston TX 77070

In re Application of :
Pramod SHARMA et al. : **ON PETITION**
Application No. 11/946,771 :
Filed: November 28, 2007 :
Atty. Docket No.: 07.116.01 (920-0061US)

This is a decision on the petition under 37 CFR 1.137(b), filed August 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

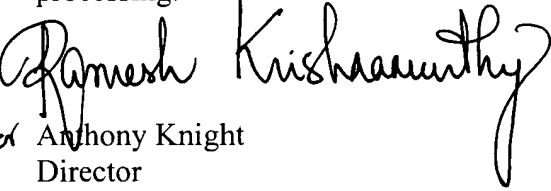
The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed May 20, 2011 (Notice), which set a period for reply of three (3) months. The application became abandoned August 23, 2011. A Notice of Abandonment was mailed August 31, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed May 20, 2011, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

This application is being referred to the Office of Data Management for further processing.


for Anthony Knight
Director
Office of Petitions

cc: Coe F. Miles
20333 SH 249 Suite 600
Houston, Texas 77070



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TRELLIS INTELLECTUAL PROPERTY LAW GROUP, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

MAILED

JUL 11 2011

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

In re Application of
Sanford Redlich
Application No. 11/946,784
Filed: November 28, 2007
Attorney Docket No. ATTUP0001

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 15, 2011.

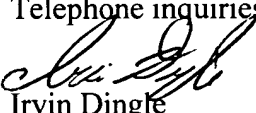
The request is **APPROVED**.

The request was signed by Charles J. Kulas on behalf of the practitioners of record associated with Customer Number 37490.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Sanford Redlich at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Sanford Redlich
Attune Interactive, Inc.
202 South St. #3
Sausalito, CA 94965



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/946,784	11/28/2007	Sanford Redlich	ATTUP0001

CONFIRMATION NO. 9793

POWER OF ATTORNEY NOTICE



37490
Trellis Intellectual Property Law Group, PC
1900 EMBARCADERO ROAD
SUITE 109
PALO ALTO, CA 94303

Date Mailed: 07/11/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/15/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/946,784	11/28/2007	Sanford Redlich	ATTUP0001

Sanford Redlich
Attune Interactive, Inc.
202 South St. # 3
Sausalito, CA 94965

CONFIRMATION NO. 9793
POA ACCEPTANCE LETTER



OC0000000486/5135

Date Mailed: 07/11/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/15/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	11946786	
Filing Date	28-Nov-2007	
First Named Inventor	James Galvin	
Art Unit	2129	
Examiner Name	MAI TRAN	
Attorney Docket Number	CAM920070090US1_8150-0042	
Title	DETERMINING A COMMON SOCIAL CONTEXT	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

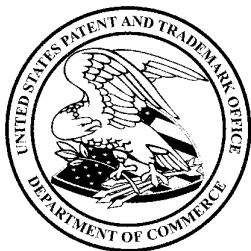
STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a ☒ grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/KEVIN T. CUENOT/
Name	KEVIN T. CUENOT
Registration Number	46283



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P.O. Box 1450
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www.uspto.gov

Decision Date : October 27,2011

In re Application of :

DECISION ON PETITION

James Galvin

UNDER CFR 1.137(b)

Application No : 11946786

Filed : 28-Nov-2007

Attorney Docket No : CAM920070090US1_8150-0042

This is an electronic decision on the petition under 37 CFR 1.137(b), filed October 27,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED

JAN 19 2011

In re Application of	:	OFFICE OF PETITIONS
Seth et al.	:	
Application No. 11/946,876	:	DECISION ON PETITION
Filed: November 29, 2007	:	
Attorney Docket No. TI-61898	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

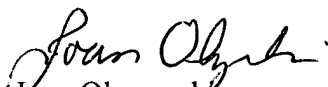
The application became abandoned for failure to reply in a timely manner to the final Office action mailed, January 26, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 27, 2010. A Notice of Abandonment was mailed August 5, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810.00 (submitted on December 9, 2010) and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Additionally, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 2819 for processing of the Request for Continued Examination under 37 CFR 1.114 (submitted on December 9, 2010) and the Amendment filed with the instant petition.


Joan Olszewski
Petitions Examiner
Office of Petitions



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COMMISSIONER FOR PATENTS
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Paper No.

HUSKY INJECTION MOLDING SYSTEMS LTD.
CO/AMC INTELLECTUAL PROPERTY GRP
500 QUEEN STREET SOUTH
BOLTON ON L7E 5S5
CANADA

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of :
Plumpton :
Application No. 11/946,886 :
Filed: November 29, 2007 : DECISION ON PETITION
Attorney Docket No. H-1065-0-US : UNDER 37 C.F.R. § 1.137(B)
Title: GATE INSERT :

This is a decision on the petition filed September 29, 2010, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

Both a notice of appeal and a "Pre-Appeal Brief Request for Review" were submitted on May 4, 2010. The above-identified application became abandoned for failure to reply in a timely manner to the "Notice of Panel Decision from Pre-Appeal Brief Review," mailed July 9, 2010, which set a one-month period for response. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on August 10, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The

Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner filed a Request for Continued Examination (RCE) along with the required fee, an amendment, the petition fee, and the proper statement of unintentional delay. The amendment has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1).

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment submitted on September 29, 2010 - can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - the Office of Petitions cannot effectuate a change of status.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/947,025	11/29/2007	Josef MESSINGER	029300.58521US	1188
23911 7590 11/17/2011 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER BADIO, BARBARA P	
			ART UNIT 1628	PAPER NUMBER
			MAIL DATE 11/17/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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NOV 17 2011

J. D. Evans
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of :
Messinger : Decision on Petition
Serial No.: 11/947025 :
Filed : 29 November 2007 :
Attorney Docket No.: 029300.58521US :

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 28 October 2011 requesting reconsideration of the restriction requirement dated 19 January 2011.

BACKGROUND

This application was filed as a national application under 35 USC 111(a). As such, this application is entitled to reconsideration according to US restriction practice.

On 19 January 2011, the examiner required a 2-way restriction between Claims 1-39. The examiner also required an election of species.

On 18 March 2011, applicants elected Group I and the species of example 49, with traverse.

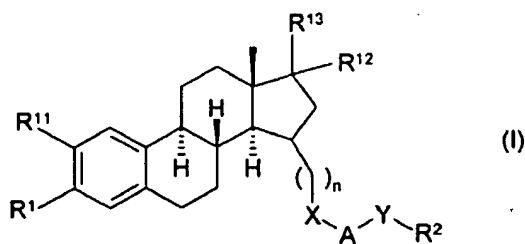
On 31 May 2011, the examiner considered the traversal and made the restriction requirement final. Claims 3, 9-11, 17, 19, 22, 24-26, 28, 29 and 32-39 were withdrawn from further consideration, pursuant to 37 CFR 1.142(b). Claims 1, 4-8, 12-16, 18, 20, 21, 23, 27 and 31 were examined on the merits.

On 28 October 2011, applicants filed a response and this petition.

DISCUSSION

The file history and petition have been considered carefully. Relevant portions of the claims are set forth below.

1. (Currently Amended) A compound corresponding to formula (I)



[wherein claim 1 goes on to define various X, Y, A and R groups.]

32. (withdrawn) A method of treating or inhibiting a malign estradiol dependent disease or disorder selected from the group consisting of breast cancer, ovarian cancer, uterine cancer, endometrial cancer and endometrial hyperplasia in a

mammal, said method comprising administering to said mammal a pharmacologically effective amount of a compound according to claim 1.

39. (withdrawn) A method of blocking spermatogenesis or reducing virility in a male, said method comprising administering to said male a pharmacologically effective amount of a compound according to claim 1.

Applicants have requested reconsideration of the restriction required between the product of Group I and the process of Group II. MPEP 806.05(h) provides that a “product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process.”

In the restriction requirement dated 19 January 2011, the examiner relied upon prong (A) of MPEP 806.05(h) to conclude that the “process for using the product as claimed can be practiced with another materially different product.” The examiner did not provide any particular example of a materially different product. This is counter to MPEP 806.05(h) which sets forth the following guidance for distinction between products and process of use:

The burden is on the examiner to provide an example, but the example need not be documented. If the applicant either proves or provides a convincing argument that the alternative use suggested by the examiner cannot be accomplished, the burden is on the examiner to support a viable alternative use or withdraw the requirement.

Upon consideration of the traversal, the examiner, in continued reliance upon prong (A) to establish distinction, identified selective 17 beta-HSD1 inhibitors as found on page 5, lines 3-11 of the specification.

At present it is described in the literature that several malignant disease as breast cancer, prostate cancer, ovarian cancer, uterine cancer, endometrial cancer and endometrial hyperplasia may be treated by the administration of a selective 17 β -HSD1 inhibitor. Furthermore, a selective 17 β -HSD1 inhibitor may be useful for the prevention of the aforementioned hormone-dependent cancers, especially breast cancer (e.g. WO2004/080271). Furthermore, international patent application WO2003/017973 describes the use of a selective estrogen enzyme modulator (SEEM) in the manufacture of a drug delivery vehicle for intravaginal administration to treat or prevent a benign gynaecological disorder such as endometriosis in a mammalian female.

This rationale is not feasible, given that the process claims, as written, depend upon claim 1 are limited to use of the products as claimed. The claim format used in the instant application does not permit use of products which are materially different from the product, as claimed.

However, prong (B) may be used to establish distinction between the product and processes as claimed. For example, the product of claim 1 may be used to block spermatogenesis (claim 39) or to treat ovarian cancer (claim 32). These treatments involve distinct patient populations: a female patient population for the treatment of ovarian cancer versus a male population for blocking spermatogenesis. For this reason, the product of Group I and the processes of Group II are distinct and restriction is warranted.

It is noted that applicants have elected the product for examination. Upon allowability of all product claims, process claims would be considered for rejoinder in accordance with MPEP 821.04(b).

DECISION

The petition filed under 37 CFR 1.144 on 28 October 2011 is **DENIED**.

The restriction requirement made between Group I and Group II is maintained.

The application will be forwarded to the examiner for consideration of the papers filed on 28 October 2011 and for preparation of an Office action on the merits consistent with this decision. Should the product claims become in condition for allowance, process claims will be considered for rejoinder in accordance with MPEP 821.04(b).

In order to be timely, any request for reconsideration of this decision must be filed under 37 CFR 1.181 with two (2) months of the mail date of this decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.



Remy Pucel

Director, Technology Center 1600



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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

MAILED
DEC 05 2011

OFFICE OF PETITIONS

In re Application of	:	
Maher Albitar	:	
Application No. 11/947056	:	ON REQUEST FOR
Filing or 371(c) Date: 11/29/2007	:	RECONSIDERATION OF
Attorney Docket Number:	:	PATENT TERM ADJUSTMENT
034827-9810	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER FOR PATENT APPLICATION UNDER 37 C.F.R. § 1.705(b)," filed November 8, 2011. Applicant petitions for reconsideration of the patent term adjustment to 363 days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction based upon an assertion that the Office erred in calculating a reduction of 463 days.

The Application for Patent Term Adjustment Including Request for Reconsideration of Patent Term Adjustment ("PTA") under 37 CFR 1.705(b), is **GRANTED**.

On August 23, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is zero (0) days.

On May 2, 2011, Applicant timely submitted the instant application for patent term adjustment¹. Applicant requests that the Determination of Patent Term Adjustment be corrected from zero (0) days, as indicated on the Determination of PTA mailed August 23, 2011, to an adjustment of 363 days.

Applicant provides that the Office erred in calculating a reduction of 463 days. The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed August 23, 2011 indicates a patent term of zero (0) days. The instant request for reconsideration of patent term adjustment indicates that the Office may have erred in calculating a reduction of 463 days in connection with the filing of a reply to a non-final Office action, mailed September 23, 2008, on March 20, 2009. Applicant provides that the Office incorrectly calculated the period of adjustment of 463 days, using March 20, 2008 as the date that the reply to the Office action was file, instead of March 20, 2009.

¹ PALM records show that the Issue Fee payment was received in the Office on May 2, 2011.

A review of Office records confirms that an Amendment in reply to a final Office action, mailed September 23, 2008, was filed on March 20, 2009. The period of delay pursuant to 37 CFR 1.704(b) is properly calculated beginning on the day after the date that is three months after the date of mailing of the Office action, December 24, 2008, and ending on the date the reply was filed, March 20, 2009, and correction of the period of reduction from 463 days to a reduction of 87 days is appropriate.

Applicant also correctly notes that the Office erred in failing to calculate a reduction pursuant to 37 CFR 1.704(c)(7) in connection with the filing of a reply to a Notice of Non-Compliant Amendment mailed in response to the filing the reply to the Office action on March 20, 2009. In reply to the Office action mailed September 23, 2008, Applicant's filed a reply on March 20, 2009. The Office mailed a Notice of Non-Compliant Amendment on July 7, 2009, informing Applicant's that the amendment filed March 20, 2009 was non-compliant. Applicant's filed a reply to the Notice of Non-Compliant Amendment on July 31, 2009, and a reduction of 133 days pursuant to 37 CFR 1.704(c)(7) is appropriate.

Because the correction of the adjustment pursuant to 37 CFR 1.704(c)(2) will not result in a change in Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance remains zero (0) days (adjustments totaling 162 days less reductions totaling 262 days). A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations

Best Available Copy



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 11947056 [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTA Calculations for Application: 11947056

Application Filing Date	11/29/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	162
A Delays	162	PTO Manual Adjustment	243
B Delays	0	Applicant Delay (APPL)	540
C Delays	0	Total PTA (days)	0

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
99	12/03/2011		P028	Adjustment of PTA Calculation by PTO		133	0
98	12/03/2011		P028	Adjustment of PTA Calculation by PTO	376		0
89	08/23/2011	06/17/2011	MN/-	Mail Notice of Allowance			72
88	08/23/2011		OAR	Office Action Review			0
87	08/22/2011		MSCSS	Misc Special Soft Scanning- No Mailing			0
86	08/16/2011		OAR	Office Action Review			0
85	08/16/2011		IREV	Issue Revision Completed			0
84	08/15/2011		OAR	Office Action Review			0
83	08/10/2011		OAR	Office Action Review			0
82	08/10/2011		IREV	Issue Revision Completed			0
81	08/10/2011		OAR	Office Action Review			0
80	08/10/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0
79	08/10/2011		N/-	Notice of Allowance Data Verification Completed			0
78	08/10/2011		DOCK	Case Docketed to Examiner in GAU			0
77	08/10/2011		DVER	Document Verification			0
76	08/09/2011		CNTA	Allowability Notice			0
73	06/17/2011		AP.C	Request for Pre-Appeal Conference Filed			0
72	06/17/2011		N/AP	Notice of Appeal Filed			0
71	04/01/2011		MCTFR	Mail Final Rejection (PTOL - 326)			0
70	03/28/2011		OAR	Office Action Review			0
69	03/26/2011		CTFR	Final Rejection			0
64	03/03/2011		FWDX	Date Forwarded to Examiner			0
67	03/01/2011		IDSC	Information Disclosure Statement considered			0
63	03/01/2011		A...	Response after Non-Final Action			0
62	03/01/2011		M844	Information Disclosure Statement (IDS) Filed			0
61	03/01/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
60	12/07/2010	08/11/2010	MCTNF	Mail Non-Final Rejection			51
59	12/06/2010		CTNF	Non-Final Rejection			0
56	09/27/2010		FWDX	Date Forwarded to Examiner			0
55	09/27/2010		MAPCR	Mail Appeals conf. Reopen Prosec.			0
54	09/24/2010		APCR	Pre-Appeals Conference Decision - Reopen Prosecution			0
52	08/11/2010		AP.C	Request for Pre-Appeal Conference Filed			0
51	08/11/2010		N/AP	Notice of Appeal Filed			0
50	06/16/2010		LET.	Miscellaneous Incoming Letter			0
49	05/20/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
48	05/18/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
47	05/11/2010	11/30/2009	MCTFR	Mail Final Rejection (PTOL - 326)	162		40
46	05/10/2010		CTFR	Final Rejection			0
41	03/22/2010		FWDX	Date Forwarded to Examiner			0
42	09/11/2009		IDSC	Information Disclosure Statement considered			0
39	09/11/2009		RCAP	Reference capture on IDS			0
38	09/11/2009	07/31/2009	M844	Information Disclosure Statement (IDS) Filed		92	40
37	09/11/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
33	08/21/2009		CRFE	CRF Is Good Technically / Entered into Database			0
43	07/31/2009		IDSC	Information Disclosure Statement considered			0
40	07/31/2009	03/20/2008	A...	Response after Non-Final Action		498	27
36	07/31/2009		RCAP	Reference capture on IDS			0
35	07/31/2009		M844	Information Disclosure Statement (IDS) Filed			0
34	07/31/2009		LET.	Miscellaneous Incoming Letter			0
32	07/31/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
31	07/07/2009		NINA	Mail Notice of Informal or Non-Responsive Amendment			0
29	06/04/2009		PG-ISSUE	PG-Pub Issue Notification			0
28	05/07/2009		FWDX	Date Forwarded to Examiner			0
26	03/20/2009		XT/G	Request for Extension of Time - Granted			0
23	09/23/2008		MCTNF	Mail Non-Final Rejection			0

22	09/19/2008	CTNF	Non-Final Rejection	0
25	07/17/2008	RCAP	Reference capture on IDS	0
24	07/17/2008	M844	Information Disclosure Statement (IDS) Filed	0
19	07/17/2008	IDSC	Information Disclosure Statement considered	0
17	07/17/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
15	06/30/2008	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
14	06/30/2008	DOCK	Case Docketed to Examiner in GAU	0
13	04/02/2008	OIPE	Application Dispatched from OIPE	0
27.1	03/20/2008	A.I.	Informal or Non-Responsive Amendment after Examiner Action	0
27	03/20/2008	A...	Response after Non-Final Action	0
12	03/20/2008	PGPC	Sent to Classification Contractor	0
11	03/20/2008	FLRCPT.U	Filing Receipt - Updated	0
10	03/20/2008	COMP	Application Is Now Complete	0
9	03/13/2008	FLFEE	Payment of additional filing fee/Preexam	0
8	03/13/2008	OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	0
7	02/11/2008	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
6	02/11/2008	FLRCPT.O	Filing Receipt	0
5	02/01/2008	L128	Cleared by L&R (LARS)	0
4	12/07/2007	L198	Referred to Level 2 (LARS) by OIPE CSR	0
3	12/07/2007	CLSS	CASE CLASSIFIED BY OIPE	0
2	11/29/2007	SCAN	IFW Scan & PACR Auto Security Review	0
1	11/29/2007	IEXX	Initial Exam Team run	0
0.5	11/29/2007	EFILE	Filing date	0

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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

In re Application of :
Maher Albitar :
Patent Number: 8,093,063 : DECISION ON
Issue Date: 01/10/2012 : PETITION REGARDING
Application No. 11/947056 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 11/29/2007 :
Attorney Docket Number: 034827-9810 :

This is a decision on the petition filed on January 23, 2012, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two hundred thirty-two (232) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by two hundred thirty-two (232) days is **DISMISSED**.

As to the period of time excluded from B delay for appellate review, Patentee's argument has also been considered, but not found persuasive. The period consumed by appellate review, whether successful or not, is excluded from the calculation of B delay. See, 35 U.S.C. 154(b)(1)(B)(ii). An appeal to the Board of Patent Appeals and Interferences commences with the filing of a notice of appeal. See 35 U.S.C. 134(a). Generally, an appeal to the Board of Patent Appeals and Interferences ends with either 1) a Board decision, 2) the examiner reopening prosecution and issuing another Office action, or 3) the applicant filing a request to withdraw the appeal and reopen prosecution (e.g. the filing of a request for continued examination). In this instance the period consumed by appellate review is a total of 187 days, beginning first on August 11, 2010, the date of filing of the first notice of appeal, and ending on December 7, 2010, the date of mailing of the non-final Office action, for a total of 119 days, and the second period beginning June 17, 2011, the date of filing of the second notice of appeal, and ending on August 23, 2011, the date of mailing of the Notice of Allowance, for a total of 68 days.

It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* revises the

interpretation of appellate review applied in this decision, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

A review of the record also reveals that the period of applicant delay was inadvertently increased by 35 days¹. This increase has been removed, and the period of Applicant delay reduced accordingly.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one hundred twenty (120) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

¹ In an Application for Patent Term Adjustment filed November 8, 2011, Applicant noted that Office may have erred in calculating a reduction of 463 days in connection with the filing of a reply to a non-final Office action, mailed September 23, 2008, on March 20, 2009. In a decision on the Application for Patent Term Adjustment mailed December 5, 2011, the Office corrected this error. With the issuance of the present patent, while the original correction remained, the period of reduction was erroneously calculated with an additional 35 days, at 498 days. The additional 35 days has been removed.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,093,063 B2

DATED : January 10, 2012

INVENTOR(S) : Albitar

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 85 days.

Delete the phrase "by 85 days" and insert -- by 120 days--



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/947,116	11/29/2007	Wayne D. Roth	5868-00312	1335
35617 7590 09/09/2010 DAFFER MCDANIEL LLP P.O. BOX 684908 AUSTIN, TX 78768			EXAMINER FITZGERALD, JOHN P	
			ART UNIT 2856	PAPER NUMBER
			MAIL DATE 09/09/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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In re Patent No. 7,523,637 ROTH ET AL. :
Issue Date: April 28, 2009 : **DECISION GRANTING**
Appl No.: 11/947,116 : **PETITION**
Filed: November 29, 2007 : **37 CFR 1.324**
For: METHOD FOR CONTROLLING ONE OR MORE :
PARAMETERS OF A FLOW CYTOMETER TYPE :
MEASUREMENT SYSTEM :

This is a decision on the petition filed May 5, 2010 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Hezron E. Williams
Supervisory Patent Examiner
Art Unit 2856
Technology Center 2800

DAFFER MCDANIEL LLP
P.O. BOX 684908
AUSTIN, TX 78768



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OCT 28 2011

OFFICE OF PETITIONS

AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580
Mountlake Terrace, WA 98043

In re Patent No. 7,873,041 :
Issue Date: January 18, 2011 :
Application No. 11/947,353 : **DECISION ON PETITION**
Filed: November 29, 2007 :
Attorney Docket No. 110CS-006500US :

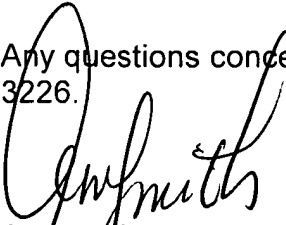
This is a decision on the petition under 37 CFR 1.182, filed, December 2, 2010, to change the order of the named inventors in the above-identified application.

Petitioner states "the first and last names of inventors were accidentally interchanged on the Declaration filed on November 29, 2007."

A review of the record shows that the present petition was filed one day prior to payment of the issue fee on December 3, 2010. However, the petition was not before a deciding official prior to issuance on January 18, 2011. Therefore, since the official file record discloses that the petition filed on December 2, 2010, was accompanied by an Oath/Declaration containing the correct names of the inventors and the Office acknowledged the correct names, the above patent issued appropriately.

In view of the above, the petition under 37 CFR 1.182 is **granted**¹ *nunc pro tunc*.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

¹ Since the error was that of petitioner's, the required petition fee of \$400 has been assessed to petitioner's deposit account.



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Timothy J. Engling
MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO MI 49007

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Steven Kwan et al.	:	
Application No. 11/947,445	:	DECISION ON PETITION
Filed: November 29, 2007	:	TO WITHDRAW
Attorney Docket No. 35701-106308	:	FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed December 14, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Power of Attorney filed August 15, 2008.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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Timothy J. Engling
MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO MI 49007

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of	:	
Steven Kwan et al.	:	
Application No. 11/947,445	:	DECISION ON PETITION
Filed: November 29, 2007	:	TO WITHDRAW
Attorney Docket No. 35701-106308	:	FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36, filed January 3, 2011.

The request is **NOT APPROVED**.

The request still cannot be approved because as stated in the previous decision of December 20, 2010, the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Power of Attorney filed August 15, 2008.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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Timothy J. Engling
MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.
277 SOUTH ROSE STREET
SUITE 5000
KALAMAZOO MI 49007

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Steven Kwan et al.	:	DECISION ON PETITION
Application No. 11/947,445	:	TO WITHDRAW
Filed: November 29, 2007	:	FROM RECORD
Attorney Docket No. 35701-106308	:	

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed February 7, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Timothy J. Engling on behalf of all attorneys of record who are associated with Customer Number 70285.

All attorneys/agents associated with Customer Number 70285 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Steven Kwan at the address list listed in the request.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a stylized, cursive script.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Steven Kwan
Merry Chance Industries, Ltd.
Unit 3, 19F, Hong Kong Worsten Mills Industrial Bldg.,
31-39 Wo Tong Tsui Street
Kwai Chung, N.T. Hong Kong



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4204 NORTH BROWN AVENUE
SCOTTSDALE, AZ 85251

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of
Philip Chihchau Liu, et al.
Application No. 11/947,543
Filed: November 29, 2007
Attorney Docket No.: 6341P3258

:
:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed June 22, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 23, 2010. A Notice of Abandonment was mailed on January 3, 2011. In response, on January 25, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$405 and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 1723 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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SLATER & MATSIL, L.L.P.
17950 PRESTON ROAD, SUITE 1000
DALLAS, TX 75252

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Skerlj, Maurizio	:	
Application No. 11/947,557	:	DECISION ON PETITION
Filed: November 29, 2007	:	TO WITHDRAW
Attorney Docket No. QM000051	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 17, 2010.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to 68038 was revoked by the Assignee of the patent application on July 22, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: JOHN S. ECONOMOU
202 MAMARONECK AVE., THIRD FLOOR
WHITE PLAINS NY 10601



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ROBERT PLATT BELL
REGISTERED PATENT ATTORNEY
P.O. BOX 13165
Jekyll Island GA 31527

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of :
David L. Wimberley :
Application No. 11/947,565 : **DECISION ON PETITION**
Filed: November 29, 2007 :
Attorney Docket No. WIMB-0001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed October 12, 2010, which set a shortened statutory period for reply of one (1) month or (30) thirty days. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 13, 2010. A Notice of Abandonment was mailed on April 20, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to Technology Center AU 3679 for appropriate action by the Examiner in the normal course of business on the reply received April 15, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Robert Platt Bell
821 Riverview Drive
Jekyll Island, GA 31527



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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Koehler et al.	:	DECISION ON PETITION
Application No. 11/947,598	:	TO WITHDRAW
Filed: November 29, 2007	:	FROM RECORD
Attorney Docket No. 19725US02	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 7, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Joseph M. Butscher on behalf of all attorneys/agents of record who are associated with Customer Number 23446. All attorneys/agents associated with Customer Number 23446 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first-named inventor, Robert Koehler, at the address indicated below.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: ROBERT KOEHLER
2125 WEST WINDSOR
CHICAGO IL 60625



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/947,667	11/29/2007	Darrick Carter	250089.509	1339
500 7590 06/28/2011 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104			EXAMINER APICELLA, KARIE O	
			ART UNIT 1726	PAPER NUMBER
			MAIL DATE 06/28/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JUN 28 2011

wk

Mailed :

In re Application of
Carter et al.

Serial No. 11/947,667

Filed: November 29, 2007

For: **SYSTEMS, DEVICES, AND METHODS FOR
POWERING AND/OR CONTROLLING
DEVICES, FOR INSTANCE TRANSDERMAL
DELIVERY DEVICES**

: DECISION ON
: PETITION
:
:

This is a decision on the PETITION FILED UNDER 37 CFR 1.144 filed on June 9, 2010.

The Examiner initially required a restriction on December 11, 2009 between:

Group I, claims 1-25, drawn to a power supply, classified in class 429, subclass 162 and

Group II, claims 26-39, 49-57, and 68-71 drawn to a transdermal delivery device classified in class 604, sub class20.

Group III, claims 40-48, drawn to an encapsulated battery assembly, classified in class 361, subclass 139.

Group IV, claims 58-67, drawn to a detachable controller, classified in class 361, subclass 139.

The Examiner determined that the inventions were distinct from each other because Inventions II and (I, III and IV) are related as combination and subcombination. Applicant elected Group I, claims 1-25 with traverse.

To support a requirement for restriction between combination and subcombination inventions, both two-way distinctness and reasons for insisting on restriction are necessary, i.e., there would be a serious search burden if restriction were not required as evidenced by separate classification, status, or field of search. See MPEP § 808.02.

The inventions are distinct if it can be shown that a combination as claimed:

(A) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and

11/947,667

(B) the subcombination can be shown to have utility either by itself or in another materially different combination.

The Examiner determined, in the instant case, the combination as claimed does not require the particulars of the subcombination as claimed.

The Examiner further determined that inventions I, III and IV were directed to related products. For other related product inventions, or related process inventions, the inventions are distinct if

(A) the inventions *as claimed* do not overlap in scope, i.e., are mutually exclusive;

(B) the inventions *as claimed* are not obvious variants; and

(C) the inventions *as claimed* are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 802.01.

The Examiner determined that Groups I and III have different modes of operation for providing power and the invention of Group IV is used for controlling something as opposed to powering it and has a different mode of operation, function, and effect than the inventions of Groups I and III. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

The Examiner further determined that the application contains claims directed to the following patentably distinct species.

SET 1: portable power supply

SET 2: circuits

SET 3: encapsulated battery

SET 4: detachable controller

SET 5: delivery device

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. The species are not obvious variants of each other based on the current record. The Examiner determined that at least claims 1, 40 and 58 appear generic to the portable power supply, encapsulated battery, and detachable controller.

Applicant responded on January 28, 2010 and elected Group I, claims 1-25. The Applicant also made amendments to the specification and claims. Due to the amendments of the claims in Group I, the Examiner further determined that the application contained claims directed to the following patentably distinct species and needs further restriction/election.

Species I : in claim 1, choose one power source from a chemical battery cell, an ultra-capacitor and a fuel cell.

Species II: choose one embodiment for the magnetic coupling element from claim 2 or claim 3.

11/947,667

Species III: Choose one embodiment for the control circuit from claim 5 or claim 6 or claim 7 or claim 8 or claim 9.

Species IV: choose one embodiment for the second magnetic coupling element from claim 16 or claim 17.

Species V: choose one type of cell of the power source from claims 20 and 21.

Applicants elected Group I and elected from species I, a chemical battery; species II, at least one permanent magnet; species III, the control circuit; species IV, the magnetic coupling element of claim 16 and species V, a primary cell. Applicants traversed the species requirement.

Applicants in their petition assert that the Examiner failed to establish serious burden. Applicants further assert that the claims of Group I and Group II and by extension Group IV do not have a combination-subcombination relationship. Further there would not be a serious burden on the examiner to examine the claims of Groups I, III and IV. Applicant points out that in Groups III and IV, the Examiner had classified the claims of both groups identically in class 361, sub class 139. Applicants also contend that separate classification of the claims of Group I from those of Groups III and IV is not supported. The different classification appears to be based purely on the preambles, rather than the full body of the claims.

Applicants also assert that the Examiner appears to contend that there is no generic claim. Applicants note that at least claim 1 appears to be generic to at least the independent claims of Group II. Claim 5 also appears to be generic to the independent claims of Groups III and IV, as well as at least the independent claims of Group II. Notably, should a generic claim be found allowable, the claims of Groups III and IV and even Group II would have to be examined. Applicants request withdrawal of the restriction requirement between Groups I, III and IV and include the corresponding claims in the examination.

Applicants argue that the elements recited in claims 40 (Group III) and claim 58 (Group IV) are not positively recited in claim 1 (Group I) and there does not appear to be a combination-subcombination relationship.

DECISION

The claim preamble must be read in the context of the entire claim. During patent examination, the claims are given the broadest reasonable interpretation consistent with the specification. The classification of the various Groups by the Examiner is proper.

The Examiner established the combination and subcombination between Group II and (I, III, and IV) and further determined that Groups I, III and IV to be directed to related products. In the instant case, the combination as claimed does not require the particulars of the subcombination because the power supply of Group I includes multiple magnetic couplings and specific power source cells. The encapsulated battery assembly of Group III includes a particular means for transferring power. The detachable controller of Group IV includes coupling elements, a bendable substrate, and a specific size and circuit requirements. The subcombination has separate utility such as a power supply and battery for any electronic device and a controller for any device such as a controller for a toy.

11/947,667

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)); and

(B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02).

Where the inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06, the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required. Thus the examiner must show by appropriate explanation one of the following:

(A) **Separate classification thereof:** This shows that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.

(B) **A separate status in the art when they are classifiable together:** Even though they are classified together, each invention can be shown to have formed a separate subject for inventive effort when the examiner can show recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search.

(C) **A different field of search:** Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.

Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among independent or related inventions.

Groups III and IV were classified in class 361, subclass 139. The Examiner did not show a separate status in the art even though both groups were classifiable together nor there evidence of a different field of search for both groups even though they were classified together

The Examiner did establish generic claims. The Examiner determined that at least claims 1, 40 and 58 appear generic to the portable power supply, encapsulated battery, and detachable controller.

The petition is **granted-in-part**.

The restriction between Groups III and IV is **withdrawn**.

The restriction between Groups I, II and (III and IV) is maintained.

11/947,667

W. GARY JONES/
Director, Technology Center 1700
Chemical and Materials Engineering

Frank Abramonte
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104



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AMPACC LAW GROUP, PLLC
6100 219TH STREET SW, SUITE 580
MOUNTLAKE TERRACE, WA 98043

MAILED

OCT 14 2011

In re Application of	:	OFFICE OF PETITIONS
Sung Won Yi et al	:	
Application No. 11/947,673	:	DECISION ON PETITION
Filed: November 29, 2007	:	
Attorney Docket No. 110CS-007700US	:	

This is a decision on the petition under 37 CFR 1.182, filed, September 12, 2011, to correct the names of the inventors from Yi Sung Won to Sung Won Yi; Moon Hwa Shin to Hwa Shin Moon; Shin Young Chan to Young Chan Shin; Oh Jin Tae to Jin Tae Oh.

The petition is **GRANTED**.

Office records have been updated to reflect the correct inventors' names. A corrected Filing Receipt, which reflects the correct inventors' names, accompanies this decision on petition.

As authorized, the \$400 petition fee is being charged to petitioner's Deposit Account.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

Irvin Dingle
Petition Examiner
Office of Petitions

Attachment: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/947,673	11/29/2007	2437	810	110CS-007700US	23	2

CONFIRMATION NO. 1348

CORRECTED FILING RECEIPT



OC000000050324873

83220
AMPACC Law Group, PLLC
6100 219th Street SW, Suite 580
Mountlake Terrace, WA 98043

Date Mailed: 10/13/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Sung Won Yi, Daejeon, KOREA, REPUBLIC OF;
Hwa Shin Moon, Daejeon, KOREA, REPUBLIC OF;
Young Chan Shin, Daejeon, KOREA, REPUBLIC OF;
Jin Tae Oh, Daejeon, KOREA, REPUBLIC OF;

Assignment For Published Patent Application

ELECTRONICS & TELECOMMUNICATIONS RESEARCH INSTITUTE, Daejeon, KOREA,
REPUBLIC OF

Power of Attorney: The patent practitioners associated with Customer Number 83220

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

REPUBLIC OF KOREA 10-2006-0120356 12/01/2006

REPUBLIC OF KOREA 10-2007-0049869 05/22/2007

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to Retrieve Electronic Priority Application(s)** (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 12/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/947,673**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

METHOD AND APPARATUS FOR GENERATING NETWORK ATTACK SIGNATURE

Preliminary Class

726

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/947,675	11/29/2007	Hiroki Takeishi	10042919US01	1352
34904 7590 08/12/2010 CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION 15975 ALTON PARKWAY IRVINE, CA 92618-3731			EXAMINER REINIER, BARBARA DIANE	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 08/12/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPDocketing@cda.canon.com
mklein@cusa.canon.com
skalminov@cusa.canon.com



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE CA 92618-3731

In re Application of	:	
TAKEISHI, HIROKI	:	DECISION ON REQUEST TO
Application No. 11/947,675	:	PARTICIPATE IN PATENT
Filed: November 29, 2007	:	PROSECUTION HIGHWAY
Attorney Docket No. 10042919US01	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 17, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications;

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

Q.4

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/19/09 Paper No.: _____
 TO SPE OF : ART UNIT 2891 Thai, Luan
 SUBJECT : Request for Certificate of Correction for Appl. No.: 11/947727 Patent No.: 7429522

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

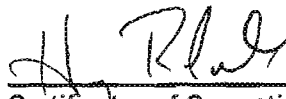
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580



 Certificates of Correction Branch
 703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____



SPE

2891

Art Unit



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Commissioner for Patents
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P.O. Box 1450
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BCF LLP
1100 RENE'-LE'VESQUE BLVD WEST
25TH FLOOR
MONTREAL QC H3B-5C9 CA CANADA

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Frigon, et al.	:	
Application No. 11/947,759	:	ON PETITION
Filed: November 29, 2007	:	
Attorney Docket No. 08400-173	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 2, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply in response to the Office action mailed February 26, 2010. This Office action set a shortened statutory period for reply of one (1) month. No reply having been received, the application became abandoned on March 27, 2010. The Office mailed a Notice of Abandonment on September 10, 2010.

With the instant petition, petitioner made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Election.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$2350.00 extension of time fee submitted with the petition on December 2, 2010 was subsequent to the maximum period obtainable for reply (August 26, 2010), this fee has been refunded to petitioner's credit card.

The application is being forwarded to Group Art Unit 3662 for consideration of the Election, filed December 2, 2010.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RSW IP Law
IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
RESEARCH TRIANGLE PARK NC 27709

MAILED
JUL 15 2011
OFFICE OF PETITIONS

In re Application of	:	
Ian Gerald Craggs et al.	:	
Application No. 11/947,843	:	DECISION ON PETITION
Filed: November 30, 2007	:	
Attorney Docket No. GB920060096US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed December 22, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 23, 2011. A Notice of Abandonment was mailed on July 6, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2194 for appropriate action by the Examiner in the normal course of business on the reply received June 29, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Alan B. Clay
Law Office of Jim Boice
3839 Bee Cave Road
Suite 201
West Lake Hills, TX 78746



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COMMISSIONER FOR PATENTS
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Paper No.

MCCORMICK, PAULDING &
HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD CT 06103

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of :
Ramon et al. : DECISION ON
Application No. 11/947,916 : PETITION
Filed: November 30, 2007 :
Atty Docket No. 7924-0001 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed December 16, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit drawings within three months of the mailing date, August 16, 2010, of the Notice of Allowability. This Office action set a three-month nonextendable statutory period for reply. No drawings having been received, the above-identified application became abandoned on November 17, 2010. A courtesy Notice of Abandonment was mailed on December 6, 2010.

The petition included the required reply¹ in the form of submission of drawings; payment of the petition fee set forth in 37 CFR § 1.17(m); and the required statement of unintentional delay. No terminal disclaimer is required.

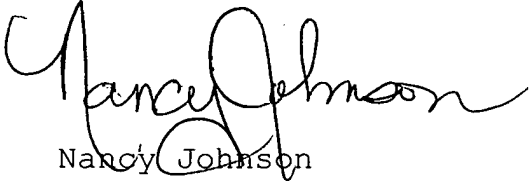
The Office of Data Management has been advised of this decision. The application is, thereby, forwarded for processing into a patent.

¹ The Issue Fee and Publication Fee were timely paid on September 16, 2010.

Application No. 11/947,916

Page 2

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" and last name "Johnson" clearly distinguishable.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/4/10 Paper No.: _____
 TO SPE OF : ART UNIT 1786 Donald Tarazano (Spc)
 SUBJECT : Request for Certificate of Correction for Appl. No.: 11/947985 Patent No.: 7754349

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:


Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-A
Palm Location 7580



 Certificates of Correction Branch
 703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: OK to enter

/D. Lawrence Tarazano/

1786

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 27,2011

In re Application of :

Andrew Van Luchene

Application No : 11948036

Filed : 30-Nov-2007

Attorney Docket No : 3204201

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 27,2011

The request is **APPROVED**.

The request was signed by Ellen Gonzales (registration no. 44128) on behalf of all attorneys/agents associated with Customer Number 52297 . All attorneys/agents associated with Customer Number 52297 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Andrew Van Luchene
Name2
Address 1 1012 Marquez Pl #205
Address 2
City Santa Fe
State NM
Postal Code 87505
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11948036	
Filing Date	30-Nov-2007	
First Named Inventor	Andrew Van Luchene	
Art Unit	3682	
Examiner Name	MATTHEW SITTNER	
Attorney Docket Number	3204201	
Title	Method and System for Differential Billing	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		52297 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(b)(c)(1)(vi) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Andrew Van Luchene	
Address	1012 Marquez PI #205	
City	Santa Fe	
State	NM	

Postal Code	87505
Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Ellen Gonzales/
Name	Ellen Gonzales
Registration Number	44128

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11948050	
Filing Date	30-Nov-2007	
First Named Inventor	Andrew Van Luchene	
Art Unit	2194	
Examiner Name	CARINA YUN	
Attorney Docket Number	3206201	
Title	Alert and Repair System for Data Scraping Routines	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 52297		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(b)(c)(1)(vi) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Andrew Van Luchene	
Address	1012 Marquez PI #205a	
City	Santa Fe	
State	NM	

Postal Code	87505
Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Ellen Gonzales/
Name	Ellen Gonzales
Registration Number	44128



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 27,2011

In re Application of :

Andrew Van Luchene

Application No : 11948050

Filed : 30-Nov-2007

Attorney Docket No : 3206201

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 27,2011

The request is **APPROVED**.

The request was signed by Ellen Gonzales (registration no. 44128) on behalf of all attorneys/agents associated with Customer Number 52297 . All attorneys/agents associated with Customer Number 52297 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Andrew Van Luchene
Name2
Address 1 1012 Marquez Pl #205a
Address 2
City Santa Fe
State NM
Postal Code 87505
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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www.uspto.gov

Theodosios Thomas
SCENERA RESEARCH, LLC
5400 TRINITY ROAD
SUITE 303
RALEIGH, NC 27607

July 18, 2011

In re Application of:
Robert P. MORRIS
Appl. No.: 11/948,067

:
:
:
:
:

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

Filed: November 30, 2007
For: METHOD AND SYSTEM FOR PROVIDING UPDATE
CONTENT IN A MARKUP LANGUAGE-BASED
RESOURCE

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on December 22, 2010.

The petition is **GRANTED**.

Pursuant to applicant's request filed on December 22, 2010, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of *three (3) months from the mailing date of this letter*. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3591.

/Gail Hayes/
Gail Hayes, SPRE/QAS
Technology Center 2100
Computer Architecture and Software



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/948,067	11/30/2007	Robert P. Morris	1503/US	2086
49277	7590	07/20/2011	EXAMINER	
SCENERA RESEARCH, LLC			HO, ANDY	
5400 Trinity Road			ART UNIT	
Suite 303			PAPER NUMBER	
Raleigh, NC 27607			2194	

DATE MAILED: 07/20/2011

Please find below and/or attached an Office communication concerning this application or proceeding.

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/948,067	11/30/2007	Robert P. Morris	1503/US	2086
49277 7590 07/20/2011 SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607				
			EXAMINER HO, ANDY	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 07/20/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/948,067	11/30/2007	Robert P. Morris	1503/US	2086
49277	7590	12/16/2011	EXAMINER	
SCENERA RESEARCH, LLC			HO, ANDY	
5400 Trinity Road			ART UNIT	
Suite 303			PAPER NUMBER	
Raleigh, NC 27607			2194	

DATE MAILED: 12/16/2011

Please find below and/or attached an Office communication concerning this application or proceeding.

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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www.uspto.gov

Theodosios Thomas
SCENERA RESEARCH, LLC
5400 TRINITY ROAD
SUITE 303
RALEIGH, NC 27607

December 16, 2011

In re Application of:
Robert P. MORRIS
Appl. No.: 11/948,067

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

Filed: November 30, 2007
For: METHOD AND SYSTEM FOR PROVIDING UPDATE
CONTENT IN A MARKUP LANGUAGE-BASED
RESOURCE

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on October 24, 2011.

The petition is **GRANTED three (3) months from the mailing date of this letter.**

Pursuant to applicant's request filed on October 24, 2011, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of ***three (3) months from the mailing date of this letter.*** At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned (or name of the TQAS) whose telephone number is (571) 272-3591.

/Gail Hayes/
Gail Hayes, SPRE/QAS
Technology Center 2100
Computer Architecture and Software



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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/948,067	11/30/2007	Robert P. Morris	I503/US	2086
49277 7590 03/22/2012 SCENERA RESEARCH, LLC 5400 Trinity Road Suite 303 Raleigh, NC 27607			EXAMINER HO, ANDY	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 03/22/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Theodosios Thomas
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh, North Carolina 27607

In re Application of:
Robert P. MORRIS
Appl. No.: 11/948,067
Filed: November 30, 2007
For: METHOD AND SYSTEM FOR PROVIDING UPDATE
CONTENT IN A MARKUP LANGUAGE BASED
RESOURCE

DECISION ON PETITION
UNDER 37 CFR § 1.103(a)

This is a decision on the petition for suspension of prosecution under 37 CFR § 1.103(a) filed on 21 March 2012.

The petition is **GRANTED**.

Pursuant to applicant's request filed on 21 March 2012, action by the Office is suspended on this application under 37 CFR § 1.103(a) for a period of three (3) months from the mailing date of this letter. At the end of this period, applicant is required to notify the examiner and request continuance of prosecution or a further suspension. See MPEP § 709.

Suspension of action under 37 CFR § 1.103(a)-(d) at the applicant's request will cause a reduction in patent term adjustment accumulated (if any) under 37 CFR § 1.703. The reduction is equal to the number of days beginning on the date a request for suspension of action was filed and ending on the date of the termination of the suspension. See 37 CFR § 1.704(c)(1).

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

/Vincent N. Trans/
Vincent N. Trans, QAS
Technology Center 2100
Computer Architecture and Software



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MOTOROLA, INC.
PATENT OPERATIONS LAW DEPARTMENT
600 NORTH US HIGHWAY 45
IL93-W2-55BB
LIBERTYVILLE, IL 60048-5343

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of
Yeqing Wang, et al.
Application No. 11/948,141
Filed: November 30, 2007
Attorney Docket No. BCS04627

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 1, 2010, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 22, 2010, which set a shortened statutory period for reply of three (3)

months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 23, 2010.

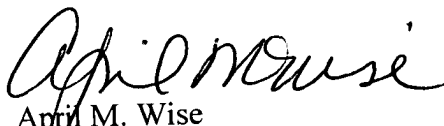
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

In view the above, the petition is **GRANTED**.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2427 for appropriate action by the Examiner in the normal course of business on the reply received December 1, 2010.


April M. Wise
Petitions Examiner
Office of Petitions

cc: STEWART M. WIENER
101 TOURNAMENT DRIVE
HORSHAM, PA 19044



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MANN LAW GROUP
1218 THIRD AVENUE
SUITE 1809
SEATTLE WA 98101

MAILED
JAN 27 2011
OFFICE OF PETITIONS

In re Application of :
LOBISSER et al. :
Application No. 11/948,155 : **DECISION ON PETITION**
Filed: 11/30/2007 :
Attorney Docket No. PACE-07-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action of March 17, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is June 18, 2010. The Office mailed a Notice of Abandonment on September 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 1784 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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**CAMERON IP
SUITE 1401 - 1166 ALBERNI STREET
VANCOUVER BC V6E 3Z3 CA CANADA**

MAILED

JUL 19 2011

In re Application of	:	OFFICE OF PETITIONS
John Throssell, et al.	:	
Application No. 11/948,324	:	DECISION ON PETITION
Filed: November 30, 2007	:	
Attorney Docket No. 1689P01US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 4, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed .
Accordingly, the date of abandonment of this application is June 5, 2011. The Notice of Abandonment was mailed June 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: CPOL953164

Application
Number: 11/948,351

Filing Date
(or 371(b) or (f) Date): November 30, 2007

Patent Number:
7,668,163

Issue Date:
February 23, 2010

First Named
Inventor: Michael Lee Hall Jr.

Title: Transparent Network Service Enhancement

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /Thomas J. Frame/

Date August 4, 2010

Name
(Print/Typed) Thomas J. Frame

Registration Number 47,232

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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PATTERSON & SHERIDAN, LLP/CISC
3040 POST OAK BLVD.
SUITE 1500
HOUSTON, TX 77056-6582

Mail Date: 08/13/2010

Applicant	: MICHAEL LEE HALL JR.	: DECISION ON REQUEST FOR
Patent Number	: 7668163	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/948,351	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **249** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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ANTONELLI TERRY STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Application of :
Yusuke Nakamura et al :
Application No. 11/948,392 :
Filed: November 30, 2007 :
Attorney Docket No. 843.48214X00 :

ON PETITION

This is a decision on the petition, filed June 22, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 3, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2627 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

MAILED

OCT 26 2010

In re Application of :
Audwin W. Cash et al :
Application No. 11/948,470 :
Filed: November 30, 2007 :
Attorney Docket No. P/10-977 (DIV) V5458 :

OFFICE OF PETITIONS

DECISION GRANTING PETITION

UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 22, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 15, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2821 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/948,556	11/30/2007	Adoram Leshem	L2028-700030	2964

37462	7590	01/21/2011
LANDO & ANASTASI, LLP ONE MAIN STREET, SUITE 1100 CAMBRIDGE, MA 02142		

EXAMINER	
MAUST, TIMOTHY LEWIS	

ART UNIT	PAPER NUMBER
3751	

NOTIFICATION DATE	DELIVERY MODE
01/21/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@LALaw.com
gengelso@LALaw.com



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LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE MA 02142

In re Application of	:
LESHEM, ADORAM	:
Application No. 11/948,556	: DECISION ON REQUEST TO
Filed: Nov. 30, 2007	: PARTICIPATE IN PATENT
Attorney Docket No. L2028-700030	: PROSECUTION HIGHWAY
For: REFILLING DEVICE AND METHOD OF	: PILOT PROGRAM AND PETITION
FILLING	: TO MAKE SPECIAL UNDER
	: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 19, 2011 to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Items #3 and #5 above.

With regard to Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the PCT application. The Claims Correspondence Table in the petition is deficient. Current US application contains claims 71-15 which are not sufficiently corresponding to allowable claims 1-12 of PCT search report. It must be noted that at least claims 4, 5, 8, 11 and 14 contain different scopes from the allowed claims 1-12 of PCT search report. Thus, Item #3 is not satisfied and for this reason the petition can not be granted. Those extra claims must be cancelled.

The EPO Search Report, L15060601PEP filed with the petition does not include any positive opinion as to the patentability of the claims 1-12. There is no EPO Search Opinion filed in the case. An EPO Search Opinion showing the patentability of claims 1-12 is required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/948,556	11/30/2007	Adoram Leshem	209-007	2964
<div>61834 7590 02/28/2011</div> <div>Ostrow Kaufman LLP Susan Formicola 555 Fifth Avenue 19th Floor NEW YORK, NY 10017</div> <div>EXAMINER MAUST, TIMOTHY LEWIS</div> <div>ART UNIT PAPER NUMBER 3751</div> <div>NOTIFICATION DATE DELIVERY MODE 02/28/2011 ELECTRONIC</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sformicola@okflp.com
dwalcott@okflp.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ostrow Kaufman LLP
Susan Formicola
555 Fifth Avenue
19th Floor
NEW YORK NY 10017

In re Application of	:
LESHEM, ADORAM	: DECISION ON REQUEST TO
Application No. 11/948,556	: PARTICIPATE IN PATENT
Filed: Nov. 30, 2007	: PROSECUTION HIGHWAY
Attorney Docket No. 209-007	: PILOT PROGRAM AND PETITION
For: REFILLING DEVICE AND METHOD OF	: TO MAKE SPECIAL UNDER
FILLING	: 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 22, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Greg Huson, the SPE of Art Unit 3751 at 571-272-4887 for Class 141/337 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY, NC 27518

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of
Eddy Hum et al
Application No. 11/948,644
Filed: November 30, 2007
Attorney Docket No. 7000-570A

ON PETITION

This is a decision on the petition, filed March 22, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 16, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

MAILED

JAN 25 2011

In re Application of
Leonid M. Tertitski, et al.
Application No. 11/948,693
Filed: November 30, 2007
Attorney Docket No. 60174-0012

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 20, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Hickman, Palermo, Truong & Becker, LLP has been revoked by the assignee of the patent application on December 15, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED
APR 15 2011
OFFICE OF PETITIONS

**BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.
BUSINESS OBJECTS DATA INTEGRATION, INC.
777 6TH STREET NW, SUITE 1100, ATTN: B. GALLIANI
WASHINGTON DC 20001**

In re Application of	:	
MION, et al	:	
Application No. 11/948,718	:	DECISION ON PETITION
Filed: November 30, 2007	:	TO WITHDRAW
Attorney Docket No. BOBJ-196/00US 304661-2432	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 17, 2011.

The request is **NOT APPROVED**.

The Office will either change the correspondence address of record to the most current address information provided for a new practitioner or law firm who has filed a proper power of attorney, the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, since the change of correspondence address is not that of a new practitioner or law firm who has filed a proper power of attorney in the Office, the request to withdraw from record cannot be approved.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
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**ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE WI 53203**

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of :
Renjit SUNDHARADAS :
Application No. 11/948,829 :
Filed: November 30, 2007 :
Attorney Docket No. SUNDHARADAS-NONP- :
1107 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 03, 2010.

The request is **APPROVED**.


A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Jill G. Welytok on behalf of all attorneys of record who are associated with customer No. 57520. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Renjit Sundharadas at the address indicated below.

There is an outstanding Office action mailed May 19, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.


Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **RENJIT SUNDHARADAS**
11454 RAEDENE WAY
SAN DIEGO, CA 92131



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

MAR 22 2012

OFFICE OF PETITIONS

In re Application of :
Pharn :
Application No. 11/948,837 :
Filed: November 30, 2007 :
Attorney Docket No. 7563P004 :
For: SYSTEM AND METHOD FOR
APPROXIMATING CHARACTERISTICS
OF HOUSEHOLDS FOR TARGETED
ADVERTISEMENT

ON PETITION

This is a decision on the petition, filed February 10, 2012, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the May 13, 2010 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on August 14, 2010. A Notice of Abandonment was mailed on December 7, 2010.

Applicant has submitted an amendment in reply to the May 13, 2010 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the May 13, 2010 non-final Office action, and the \$930.00 petition fee.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future

correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

After the mailing of this decision, the application will be returned to Technology Center AU 2427 for consideration of the amendment filed on February 10, 2012.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: SANG N. DANG
KLEIN, O'NEILL & SINGH, LLP
18200 VON KARMAN AVENUE
SUITE 725
IRVINE, CA 92612



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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of Roth et al.	:	
Application No. 11/948,845	:	Decision on Petition
Filing Date: November 30, 2007	:	
Attorney Docket No. P2673USII	:	

This is a decision on the petition under 37 C.F.R. § 1.182 filed June 3, 2011, requesting withdrawal of a terminal disclaimer filed March 7, 2011.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 C.F.R. § 1.136(a) are NOT permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 C.F.R. § 1.182."

Applicants filed a terminal disclaimer with an amendment on March 7, 2011. Page 8 of the amendment states the terminal disclaimer is being filed to overcome the examiner's rejections of claims under the judicially created doctrine of obviousness-type double patenting.

The petition requests withdrawal of the terminal disclaimer. The petition states, "Withdrawal of the Terminal Disclaimer is appropriate as indicated in at least MPEP § 1490(VII)(A)."

MPEP § 1490(VII)(A) states, with emphasis added,

Under appropriate circumstances, consistent with the orderly administration of the examination process, the nullification of a recorded terminal disclaimer may be addressed by filing a petition under 37 CFR 1.182 requesting withdrawal of the recorded terminal disclaimer. Petitions seeking to reopen the question of the propriety of the double patenting rejection that prompted the filing of the terminal disclaimer have not been favorably considered.

In order for the terminal disclaimer to be withdrawn, Applicants must prove the withdrawal of the terminal disclaimer is appropriate under the circumstances and must prove withdrawal of the recorded terminal disclaimer is consistent with the orderly administration of the examination

process. A single sentence asserting withdrawal of the terminal disclaimer is appropriate based on MPEP § 1490(VII)(A) is not the equivalent of proof withdrawal of the terminal disclaimer is consistent with the orderly administration of the examination process.

If Applicants wish to have the terminal disclaimer withdrawn, Applicants must demonstrate, not merely assert,

1. The circumstances in this case render withdrawal of the terminal disclaimer appropriate, and
2. Withdrawal of the terminal disclaimer is consistent with the orderly administration of the examination process.

In view of the prior discussion, the terminal disclaimer will not be withdrawn.

Technology Center Art Unit 1734 will be informed of the instant decision to ensure the examiner is aware a decision has been rendered in response to the petition.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



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8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of Roth et al.	:	
Application No. 11/948,845	:	Decision on Petition
Filing Date: November 30, 2007	:	
Attorney Docket No. P2673USI1	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.182 filed September 6, 2011, requesting withdrawal of a terminal disclaimer filed March 7, 2011.

The petition is **dismissed**.

The instant renewed petition was filed September 6, 2011.

A letter requesting withdrawal of the September 6, 2011 petition was filed September 8, 2011.

In view of the September 8, 2011 letter, the merits of the September 6, 2011 petition have not been considered and the petition is dismissed.

The Office of Data Management ("ODM") will be informed of the decision in order to ensure ODM is aware the issue on petition has been resolved. Thereafter, ODM will take any steps necessary to have the application issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/17/11

TO SPE OF : ART UNIT 2473

SUBJECT : Request for Certificate of Correction for Appl. No.: 11948879 Patent No.: 7843967

CofC mailroom date: 02/11/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Certificates of Correction Branch

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Kwang B. Yao/

2473

SPE

Art Unit



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/948,894	11/30/2007	Roland Jurgen Dorr	1569-003	3638
32905	7590	12/06/2010		
JONDLE & ASSOCIATES P.C. 858 HAPPY CANYON ROAD SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KRUSE, DAVID H	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 12/06/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 06 2010

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Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:
Roland Jurgen Dorr
Serial No.: 11/948,894
Filed: November 30, 2007
Attorney Docket No.: 1569-003

:
:
: PETITION DECISION
:
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 2, 2010, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 28, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600



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Alexandria, VA 22313-1450
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**CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK CA 94025**

MAILED

NOV 08 2011

OFFICE OF PETITIONS

In re Application of	:	
FISHER	:	
Application No. 11/948,903	:	DECISION ON PETITION
Filed: November 30, 2007	:	TO WITHDRAW
Attorney Docket No. PA5600US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 11, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Myrna M. Schelling on behalf of the attorneys of record associated with Customer No. 22830.

The attorneys of record associated with Customer No. 22830 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MICHELLE FISHER
2930 DOMINGO AVE, SUITE 123
BERKELEY, CA 94705



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/948,903	11/30/2007	Michelle FISHER	PA5600US

CONFIRMATION NO. 3665

POWER OF ATTORNEY NOTICE



OC000000050841204

Date Mailed: 11/07/2011

22830
CARR & FERRELL LLP
120 CONSTITUTION DRIVE
MENLO PARK, CA 94025

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/11/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/948,906	11/30/2007	Gerald Raser	1569-002	3673
32905 7590 08/23/2010 JONDLE & ASSOCIATES P.C. 858 HAPPY CANYON ROAD SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KRUSE, DAVID H	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 08/23/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.
 858 HAPPY CANYON ROAD SUITE 230
 CASTLE ROCK CO 80108

AUG 23 2010

In re Application of: :
 Gerald Raser :
 Serial No.: 11/948,906 : PETITION DECISION
 Filed: November 30, 2007 :
 Attorney Docket No.: 1569-002


This is in response to the petition under 37 CFR § 1.59(b), filed July 28, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 28, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.


 Marianne C. Seidel
 Quality Assurance Specialist
 Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/948,906	11/30/2007	Gerald Raser	1569-002	3673
32905	7590	02/01/2011	EXAMINER	
JONDLE & ASSOCIATES P.C. 858 HAPPY CANYON ROAD SUITE 230 CASTLE ROCK, CO 80108			KRUSE, DAVID H	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			02/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 01 2011

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United States Patent and Trademark Office
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:

Gerald Raser

Serial No.: 11/948,906

Filed: November 30, 2007

Attorney Docket No.: 1569-002

:
:
: PETITION DECISION
:
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 21, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 28, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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BARBARA B. COURTNEY ATTORNEY AT LAW
P.O. BOX 9847
SAN JOSE CA 95157

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of :
Dilip et al. :
Application No. 11/949,009 : **DECISION ON PETITION**
Filed: November 30, 2007 :
Attorney Docket No. CSHE.P004D2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 4, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed, April 14, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 15, 2010. A Notice of Abandonment was mailed November 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810.00 and the submission required by 37 CFR 1.114, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 3718 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Barbara B. Courtney
718 University Avenue, Suite 216
Los Gatos, CA 95032



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ALEXANDRIA, VA 22313-1450
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Barbara B. Courtney Attorney at Law
P.O. Box 9847
San Jose CA 95157

MAILED

MAR 21 2011

In re Application of : **OFFICE OF PETITIONS**
Dilip, et al. : **DECISION ON PETITION**
Application No. 11/949,012 :
Filed: November 30, 2007 :
Atty. Dkt. No.: CSHE.P004D3 :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 11, 2011.

The petition is **GRANTED**.

The application became abandoned July 16, 2010 for failure to timely submit a proper reply to the non-final Office action mailed April 15, 2010. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed October 22, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 3693 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

AUG 13 2010

In re Application of	:	
Yegor Anchyskin et al.	:	OFFICE OF PETITIONS
Application No. 11/949,128	:	
Filed: December 3, 2007	:	DECISION ON PETITION
Attorney Docket No. 2657.002US1	:	TO WITHDRAW
	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 5, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71.

If an assignee has ownership in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

BRYAN W. BOCKHOP, ESQ.
BOCKHOP & ASSOCIATES, LLC
2375 MOSSY BRANCH DR.
SNELLVILLE GA 30078

MAILED
JUL 29 2011
OFFICE OF PETITIONS

In re Application of :
Suzanne C. LEE : ON PETITION
Application No. 11/949,147 :
Filed: December 3, 2007 :
Atty. Docket No.: L003.P001U1 :

This is in response to the petition under 37 CFR 1.137(b), filed May 5, 2011.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the final Office action mailed September 15, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were obtained. The application became abandoned December 16, 2010. A Notice of Abandonment was mailed March 29, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a response to the final Office action mailed September 15, 2010, (2) a petition fee of \$810 (small entity), and (3) a statement of unintentional delay. The reply to the final Office action is accepted as having been unintentionally delayed.

Telephone inquiries regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Technology Center Art Unit 3765 for further consideration of the filed response.

for 
Anthony Knight
Director
Office of Petitions



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MAILED
AUG 26 2010
OFFICE OF PETITIONS

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of	:	
Ivan Kovtun KYIV, et al	:	
Application No. 11/949,258	:	DECISION ON PETITION
Filed: December 3, 2007	:	TO WITHDRAW
Attorney Docket No. 2657.003US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 5, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

In this regard, the assignee indicated on the change of correspondence address is not that of an assignee who has properly been made of record under 37 CFR 3.71. Accordingly, the request to withdraw from record cannot be granted.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 6735.

/deg/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: GARTH VIEVIER
1600 TCF TOWER,
121 SOUTH 8TH STREET
MINNEAPOLIS MN 55402



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BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON MA 02109-1701

MAILED

AUG 30 2010

In re Application of
Shu-Kuang Ho, et al.
Application No. 11/949,323
Filed: December 3, 2007
Attorney Docket No. 010553.00005

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 23, 2010.


The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, *application handled by attorney David Prashker*, do not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.


Terri Johnson
Petitions Examiner
Office of Petitions

cc: **David Prashker, Esq.**
P.O. Box 5387
Magnolia, MA 01930-5289

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11949323	
Filing Date	03-Dec-2007	
First Named Inventor	Shu-Kuang Ho	
Art Unit	2457	
Examiner Name	UZMA ALAM	
Attorney Docket Number	010553.00005	
Title	SYSTEM AND METHOD FOR ELECTRONIC DOCUMENT DELIVERY	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		22910 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Shu-Kuang Ho Biscom, Inc.	
Address	321 Billerica Road	
City	Chelmsford	
State	MA	
Postal Code	01824	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Peter D. McDermott/
Name	Peter D. McDermott
Registration Number	29411



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 20,2011

In re Application of :

Shu-Kuang Ho

Application No : 11949323

Filed : 03-Dec-2007

Attorney Docket No : 010553.00005

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 20,2011

The request is **APPROVED**.

The request was signed by Peter D. McDermott (registration no. 29411) on behalf of all attorneys/agents associated with Customer Number 22910 . All attorneys/agents associated with Customer Number 22910 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Shu-Kuang Ho
Name2 Biscom, Inc.
Address 1 321 Billerica Road
Address 2
City Chelmsford
State MA
Postal Code 01824
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WILSON DANIEL SWAYZE, JR.
3804 CLEARWATER CT.
PLANO, TX 75025

MAILED

AUG 30 2010

In re Application of
Lev KHARAG
Application No. 11/949,332
Filed: December 3, 2007
Attorney Docket No. WDS-3540

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 24, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed January 15, 2010, which set a period for reply of **three (3) months**. Accordingly, this application became abandoned on April 16, 2010. A Notice of Abandonment was mailed May 3, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (2).

With respect to item (2): The petition filed June 24, 2010, was **not** accompanied by payment of the required fee. No consideration on the merits can be given until the required fee is remitted.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. A courtesy copy of this decision is being mailed to the address noted on the petition.

However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

All other inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: WILSON DANIEL SWAYZE, JR.
 3408 CLEARWATER COURT
 PLANO TX 75025



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 18 2010

OFFICE OF PETITIONS

**WILSON DANIEL SWAYZE, JR.
3804 CLEARWATER CT.
PLANO TX 75025**

In re Application of	:	
Lev KHARAG	:	
Application No. 11/949,332	:	DECISION ON PETITION
Filed: December 3, 2007	:	
Attorney Docket No. WDS-3540	:	

This is a decision on the renewed petition filed September 29, 2010, which is being treated as a petition under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed January 15, 2010, which set a period for reply of three (3) months. Accordingly, this application became abandoned on April 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The Examiner assigned to this application has approved the replacement drawings filed on June 24, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/DG/
Diane Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/949,349	12/03/2007	Daiyu KONDO	072515	4595

7590 09/19/2011
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

MILLER, DANIEL H

ART UNIT	PAPER NUMBER
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1783

NOTIFICATION DATE	DELIVERY MODE
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09/19/2011

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 19, 2011

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re Application of	:	
Daiyu Kondo	:	DECISION ON PETITION
Application No. 11949349	:	
Filed: 12/3/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. 072515	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 4, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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WESTERMAN HATTORI DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

MAILED
DEC 05 2011

OFFICE OF PETITIONS

In re Application of :
Daiyu Kondo :
Application No. 11/949,349 : DECISION GRANTING PETITION
Filed: December 3, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 072515 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 1, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 21, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1783 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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SUGHRUE MION/IMMUNOGEN
2100 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20037

MAILED

NOV 30 2011

OFFICE OF PETITIONS

In re Application	:
Blattler, et al.	:
Application No. 11/949,351	: DECISION ON APPLICATION
Filed: December 3, 2007	: FOR PATENT TERM ADJUSTMENT
Docket No. A10421	:

This is a decision on the petition under 37 CFR 1.705(b), filed November 28, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from seven hundred eighteen (718) days to seven hundred eleven (711) days.

The application for patent term adjustment is **GRANTED**.

On August 29, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date was seven hundred eighteen (718) days.

The Office initially determined a patent term adjustment of seven hundred eighteen (718) days based on an adjustment for PTO delay of four hundred twenty-two (422) days and two hundred ninety-six (296) days, both instances pursuant to 37 CFR 1.703(a)(2), reduced by zero (0) days of applicant delay.

Applicants point out that they should have been assessed additional days of delay under 37 CFR 1.704(b). The Office mailed a Notice to File Corrected Application Papers on January 4, 2008. Applicants did not file a reply until April 11, 2008. Accordingly, pursuant to 37 CFR 1.704(b), seven (7) days of applicant delay should have been assessed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **seven hundred eleven (711) days** (718 days of PTO delay, reduced by 7 days of applicant delay).

Receipt of the \$200 fee for filing the instant application for patent term adjustment is acknowledged.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: copy of PAIR screen

PTA/PTE InformationPatent Term AdjustmentPatent Term Extension
 Application Number*: Explanation of PTA Calculation Explanation of PTE Calculation
PTA Calculations for Application: 11949351

Application Filing Date	12/03/2007	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	7
A Delays	718	PTO Manual Adjustment	-
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	7

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
136	11/29/2011		P028	Adjustment of PTA Calculation by PTO		2	0
128	08/29/2011	11/06/2010	MN/=.	Mail Notice of Allowance	296		62
126	08/08/2011		EML_NTR	Email Notification			0
125	08/08/2011		MEX.A	Mail Examiner's Amendment			0
124	08/08/2011		MEX.R	Mail Reasons for Allowance			0
123	08/03/2011		OAR	Office Action Review			0
122	08/03/2011		OAR	Office Action Review			0
121	08/03/2011		OAR	Office Action Review			0
120	08/03/2011		IREV	Issue Revision Completed			0
119	08/03/2011		DVER	Document Verification			0
118	08/03/2011		N/=.	Notice of Allowance Data Verification Completed			0
117	08/03/2011		DOCK	Case Docketed to Examiner in GAU			0
116	07/26/2011		EX.R	Reasons for Allowance			0
115	07/26/2011		EX.A	Examiner's Amendment Communication			0
114	07/26/2011		CNTA	Allowability Notice			0
106	07/12/2011		2091	Disposal Flag Change			0
110	05/11/2011		IDSC	Information Disclosure Statement considered			0
107	05/11/2011		IDSC	Information Disclosure Statement considered			0
103	05/11/2011		M844	Information Disclosure Statement (IDS) Filed			0
102	05/11/2011		RCAP	Reference capture on IDS			0
101	05/11/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
100	05/11/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
99	05/06/2011		C.ADB	Correspondence Address Change			0
98	05/03/2011		EML_NTR	Email Notification			0

97	05/03/2011	FLRCPT.C	Filing Receipt - Corrected	0
96	04/20/2011	EML_NTR	Email Notification	0
95	04/20/2011	PA..	Change in Power of Attorney (May Include Associate POA)	0
94	04/19/2011	C.AD	Correspondence Address Change	0
92	03/25/2011	MPEN	Mail Pre-Exam Notice	0
91	03/24/2011	MPEN	Mail Pre-Exam Notice	0
90	03/24/2011	FLRCPT.C	Filing Receipt - Corrected	0
87	02/14/2011	EML_NTR	Email Notification	0
86	02/14/2011	MM327	Mail Miscellaneous Communication to Applicant	0
85	02/09/2011	M327	Miscellaneous Communication to Applicant - No Action Count	0
82	11/23/2010	ELC_RVW	Electronic Review	0
80	11/23/2010	EML_NTR	Email Notification	0
79	11/23/2010	EML_NTF	Email Notification	0
78	11/23/2010	EML_NTR	Email Notification	0
77	11/23/2010	PA..	Change in Power of Attorney (May Include Associate POA)	0
76	11/23/2010	MPEN	Mail Pre-Exam Notice	0
75	11/23/2010	FLRCPT.C	Filing Receipt - Corrected	0
74	11/09/2010	EML_NTR	Email Notification	0
73	11/09/2010	FLRCPT.C	Filing Receipt - Corrected	0
81	11/01/2010	RU47	Rule 47 / 48 Correction of Inventorship Papers Filed	0
71	11/01/2010	AABR	Amendment After Brief	0
70	09/21/2010	EML_NTR	Email Notification	0
69	09/17/2010	MM327	Mail Miscellaneous Communication to Applicant	0
68	09/15/2010	M327	Miscellaneous Communication to Applicant - No Action Count	0
67	09/15/2010	CTID	Interference Initial Memo Disposal	0
63	07/13/2010	FWDX	Date Forwarded to Examiner	0
108	07/06/2010	IDSC	Information Disclosure Statement considered	0
66	07/06/2010	07/06/2010 M844	Information Disclosure Statement (IDS) Filed	62
65	07/06/2010	WIDS	Information Disclosure Statement (IDS) Filed	0
64	07/06/2010	AF/D	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	0
62	07/06/2010	A...	Response after Non-Final Action	0
61	06/08/2010	MW/AC	Mail Notice of Withdrawn Action	0
60	06/08/2010	MCTNF	Mail Non-Final Rejection	0
59	06/07/2010	CTNF	Non-Final Rejection	0
58	06/07/2010	W/AC	Withdrawing/Vacating Office Action Letter	0
55	04/01/2010	02/03/2009 MCTNF	Mail Non-Final Rejection	422 0.5
54	03/29/2010	CTNF	Non-Final Rejection	0
46	02/08/2010	PA..	Change in Power of Attorney (May Include Associate POA)	0
45	02/05/2010	C.AD	Correspondence Address Change	0
44	02/05/2010	MEXIN	Mail Examiner Interview Summary (PTOL - 413)	0
43	01/27/2010	EXIN	Examiner Interview Summary Record (PTOL - 413)	0
41	10/26/2009	A.PE	Preliminary Amendment	0
40	09/14/2009	LET.	Miscellaneous Incoming Letter	0
32	09/02/2009	MEXIN	Mail Examiner Interview Summary (PTOL - 413)	0
53	08/20/2009	IDSC	Information Disclosure Statement considered	0
50	08/20/2009	IDSC	Information Disclosure Statement considered	0
39	08/20/2009	RCAP	Reference capture on IDS	0
38	08/20/2009	M844	Information Disclosure Statement (IDS) Filed	0

30	08/20/2009	WIDS	Information Disclosure Statement (IDS) Filed	0
29	08/20/2009	WIDS	Information Disclosure Statement (IDS) Filed	0
31	08/19/2009	EXIN	Examiner Interview Summary Record (PTOL - 413)	0
37	08/13/2009	A.PE	Preliminary Amendment	0
49	08/07/2009	IDSC	Information Disclosure Statement considered	0
36	08/07/2009	RCAP	Reference capture on IDS	0
35	08/07/2009	M844	Information Disclosure Statement (IDS) Filed	0
28	08/07/2009	WIDS	Information Disclosure Statement (IDS) Filed	0
27	03/19/2009	A.PE	Preliminary Amendment	0
26	11/20/2008	MPTDI-1	Mail-Petition Decision - Dismissed	0
25	11/20/2008	PTDI-1	Petition Decision - Dismissed	0
24	11/19/2008	PA..	Change in Power of Attorney (May Include Associate POA)	0
23	11/17/2008	C.AD	Correspondence Address Change	0
22	10/03/2008	PET.	Petition Entered	0
21	09/18/2008	PG-ISSUE	PG-Pub Issue Notification	0
20	08/11/2008	DOCK	Case Docketed to Examiner in GAU	0
19	07/25/2008	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
18	05/08/2008	OIPE	Application Dispatched from OIPE	0
17	04/30/2008	PGPC	Sent to Classification Contractor	0
16	04/30/2008	FLRCPT.U	Filing Receipt - Updated	0
15	04/30/2008	COMP	Application Is Now Complete	0
14	04/11/2008	ADDFLFE	Additional Application Filing Fees	0
13	04/11/2008	CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems	0
48	03/20/2008	IDSC	Information Disclosure Statement considered	0
34	03/20/2008	M844	Information Disclosure Statement (IDS) Filed	0
11	03/20/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
9	01/04/2008	FLRCPT.O	Filing Receipt	0
8	01/04/2008	CPAP	Corrected Paper	0
6	12/21/2007	CRFE	CRF Is Good Technically / Entered into Database	0
5	12/18/2007	L194	Cleared by OIPE CSR	0
4	12/10/2007	SCAN	IFW Scan & PACR Auto Security Review	0
47	12/03/2007	IDSC	Information Disclosure Statement considered	0
33	12/03/2007	M844	Information Disclosure Statement (IDS) Filed	0
7	12/03/2007	CRFL	CRF Disk Has Been Received by Preexam / Group / PCT	0
2	12/03/2007	WIDS	Information Disclosure Statement (IDS) Filed	0
1	12/03/2007	IEXX	Initial Exam Team nn	0
0.5	12/03/2007	EFILE	Filing date	0

Export to: [Excel](#)



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : January 5, 2012

In re Application of :

Walter Blattler

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11949351

Filed : 03-Dec-2007

Attorney Docket No : A10421

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 5, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1643 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11949351	
Filing Date	03-Dec-2007	
First Named Inventor	Walter Blattler	
Art Unit	1643	
Examiner Name	MEERA NATARAJAN	
Attorney Docket Number	A10421	
Title	HUMAB4D5-8 ANTI-ERBB2 ANTIBODY-MAYTANSINOID CONJUGATES	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Susan J. Mack/
Name	Susan J Mack
Registration Number	30951



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P.O. Box 1450

MAILED

AUG 10 2011

OFFICE OF PETITIONS

KEVIN J. MCNEELY, ESQ.
5335 WISCONSON AVENUE, NW
SUITE 440
WASHINGTON DC 20015

In re Application of	:	
Peter JANIS	:	DECISION GRANTING PETITION
Application No. 11/949,352	:	UNDER 37 CFR 1.137(b)
Filed: December 3, 2007	:	
Atty. Docket No.: 1050.RE.0002	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37. As an appeal brief, (and appeal brief fee) was not filed within one (1) month of the Notice of Panel Decision from Pre-Appeal Brief Review mailed July 16, 2010, the appeal was dismissed and the proceedings as to the rejected claims were terminated. As no claim was allowed, the application became abandoned on August 17, 2010. *See*, MPEP 1215.04.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE) and RCE fee, and the submission required under 37 CFR 1.114, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the final Office action mailed January 19, 2010 is accepted as having been unintentionally delayed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).

This application is being referred to Technology Center Art Unit 3632 for further examination on the merits.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is positioned above the printed name.

Anthony Knight
Director
Office of Petitions

cc: Kevin D. Jablonski
400 108th Avenue NE, Suite 700
Bellevue, WA 98004



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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED

APR 05 2011

In re Application of :
Tsfati et al. :
Application Number: 11/949611 :
Filing Date: 12/03/2007 :
Attorney Docket Number: TI- :
63815 :

OFFICE OF PETITIONS
ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b) filed on February 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on November 13, 2010, for failure to properly reply to the non-final Office action mailed on August 12, 2010, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The filing of the present petition precedes the mailing of Notice of Abandonment.

Receipt of the amendment filed on February 15, 2011, is acknowledged.

The petition fee will be charged to counsel's deposit account as authorized in the subject petition.

The application is referred to Technology Center Art Unit 2618 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
7225 BEVERLY ST.
ANNANDALE VA 22003

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Patent No. 7,791,984 :
Issue Date: September 7, 2010 :
Application No. 11/949,613 : **DECISION ON PETITION**
Filed: December 3, 2007 :
Attorney Docket No. 18817-069 :

This is a decision on the Request For Correction Under 35 U.S.C. 255, filed July 28, 2010, which is being treated as a Petition Under 37 CFR §3.81(b) to identify the correct assignees' names and residences to the Title Page of the Patent via a Certificate of Correction.

The petition under 37 CFR §3.81(b) is **DISMISSED**.

Petitioner requests that the present Petition was submitted to identify the correct assignees' names and residences on the previously submitted PTOL-85B.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

A petition under 37 CFR §3.81(b) requires a Certificate of Correction Form (PTO/SB/44). *See also* MPEP 1481.01. Since petitioner has failed to comply with the provisions of 37 CFR §3.81(b), the petition is dismissed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

U.S. Patent No. 7,791,984
Application No. 11/949,613
Decision on Petition under 37 CFR 3.81

Page 2

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

A handwritten signature in black ink, reading "Cheryl Gibson-Baylor". The signature is fluid and cursive, with the first name "Cheryl" being more prominent and the last name "Baylor" written in a similar style.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: WPAT, P.C.
1940 Duke Street
Suite 200
Alexandria, VA 22314



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ANNANDALE VA 22003

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JUL 27 2011

OFFICE OF PETITIONS

In re Patent No. 7,791,984
Issue Date: September 7, 2010
Application No. 11/949,613
Filed: December 3, 2007
Attorney Docket No. 18817-069

DECISION ON PETITION

This is a decision on the Request For Reconsideration filed April 12, 2011, to identify the correct assignees' names and residences on the front page of the above-identified patent by way of a Certificate of Correction.

The renewed petition is **GRANTED**.

Petitioner requests that the present Petition was submitted to identify the correct assignees' names and residences on the previously submitted PTOL-85B.

The petition decision mailed March 14, 2011, dismissed the 37 CFR §3.81(b) petition filed July 28, 2010. Petitioner failed to include the required Certificate of Correction Form with the petition. The renewed petition includes the required Certificate of Correction Form.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,791,984.

Cheryl Gibson-Baylor
Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: WPAT, P.C.
1940 Duke Street, Suite 200
Alexandria, VA 22314



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MICHAEL BERNIS
P.O. BOX 755
URBANA IL 61803

MAILED

AUG 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Smith et al.	:	DECISION ON PETITION
Application No. 11/949,630	:	TO WITHDRAW
Filed: December 3, 2007	:	FROM RECORD
Attorney Docket No.	:	
SMITHBILLDETECTING	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed June 28, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Michael Bernis does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Michael Bernis not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed May 21, 2010 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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MICHAEL BERNS
P.O. Box 755
URBANA IL 61803

In re Application of

Smith, et al.

Application No: 11/949,630

Filed: December 3, 2007

Attorney Docket No.

SMITHBILLDETECTING

This is a decision on the petition under 37 CFR 1.1.137(b) filed on February 27, 2012, to revive the above-cited application.

The petition is **DISMISSED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 21, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on August 22, 2010. A Notice of Abandonment was mailed December 22, 2010.

The instant petition was filed on February 27, 2012

The petition will not be treated on its merits at this juncture because it is not signed by all of the necessary parties. Further to this point, 37 CFR 1.33(b) provides, in pertinent part that:

b) *Amendments and other papers*. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A patent practitioner of record appointed in compliance with § 1.32(b);
- (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

MAILED

MAR 23 2012

OFFICE OF PETITIONS

DECISION ON PETITION

The petition, as filed on April 1, 2010, is defective because it is only signed by inventor Smith, but there are additional joint inventor s named in the application. The renewed petition must be signed by either all the named joint inventors, an attorney of record in the application, or a representative of the assignee that is empowered by 37 CFR 3.73(b).

Additionally, the fee for the instant petition is \$930.00. Petitioner has remitted only \$810.00. Petitioner is required to submit an additional \$120.00 with the renewed petition. Failure to submit the outstanding amount will result in dismissal of the petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
William B. Smith
14 Stonebrook Court
Bloomington, IL 61704



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL BERNS
P.O. Box 755
URBANA IL 61803

In re Application of

Smith, et al.

Application No. 11/949,630

Filed: December 3, 2007

Attorney Docket No.

SMITHBILLDETECTING

MAILED

APR 09 2012

OFFICE OF PETITIONS

: DECISION ON PETITION

:

This is a decision on the petition under 37 CFR 1.1.137(b) filed on March 28, 2012, to revive the above-cited application.

The petition is **DISMISSED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 21, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on August 22, 2010. A Notice of Abandonment was mailed December 22, 2010.

The petition will again not be treated on its merits at this juncture because it is not signed by all of the necessary parties. Further to this point, 37 CFR 1.33(b) provides, in pertinent part that:

b) *Amendments and other papers.* Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A patent practitioner of record appointed in compliance with § 1.32(b);
- (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The petition, as filed on March 28, 2012, is defective because it is only signed by inventor Smith, but there are additional joint inventor s named in the application. The renewed petition must be signed by either all the named joint inventors, an attorney of record in the application, or a representative of the assignee that is empowered by 37 CFR 3.73(b). Petitioner may either place all signatures on the petition form in the signature block, or attach an additional sheet containing signature blocks for the other inventors.

Additionally, the fee for the instant petition is \$930.00. Petitioner has remitted only \$810.00. Petitioner is required to submit an additional \$120.00 with the renewed petition. Failure to submit the outstanding amount will result in dismissal of the petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
William B. Smith
14 Stonebrook Court
Bloomington, IL 61704

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to United States Patent and Trademark Office on 10 August 2010.

/Kathryn Marley/

Kathryn Marley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Inventor:

Albert W. Wegener

Application No.: **11/949,670**

Confirmation No. **5183**

Filed: **03 December 2007**

Title: **Compression and Decompression of Computed Tomography Data**

Group Art Unit: **2624**
Examiner: **Vikkram Bali**

Customer No. 22470

MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(a)

Sir:

In accordance with Notice, 75 Fed. Reg. 121 (June 24, 2010), regarding Expansion and Extension of the Patent Application Backlog Reduction Stimulus Plan, and 37 CFR §1.102(a), Applicant hereby petitions to make the above-identified application special on the basis of express abandonment of co-pending U.S. Patent Application No. 12/473,599, filed on May 28, 2009.

STATEMENT OF FACTS

The above-referenced application meets the requirements for special status as set forth below.

The actual filing dates for both of the above-identified application and the application to be abandoned are earlier than October 1, 2009. The above-identified application and the application to be abandoned have the same inventor and the same Assignee.

Applicant has filed a letter of express abandonment of co-pending U.S. Patent Application No. 12/473,599, with a statement that Applicant has not and will not file a new application that claims the same invention (in the context of 35 U.S.C. §101) claimed in the

expressly abandoned application, and that Applicant agrees not to request a refund of any fees paid in the expressly abandoned application. A copy of the letter of express abandonment and the accompanying statement are appended hereto.

Applicant and Assignee certify that neither has filed petitions in more than 14 other applications requesting special status under this program, and agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

CONCLUSION

Accordingly, Applicant petitions to make the above-identified application special on the basis of express abandonment of another co-pending application.

In accordance with 75 Fed. Reg. 121 (June 24, 2010), the petition fee is waived.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (SMPL 1009-1).

Respectfully submitted,

Dated: 10 August 2010

/Mark A. Haynes/

Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
(650) 712-0340 phone
(650) 712-0263 fax

Application No. 12/473,599

SMPL 1007-4

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to United States Patent and Trademark Office on 10 August 2010.

/Kathryn Marley/

Kathryn Marley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of inventor(s):

Albert W. Wegener

Application No. **12/473,599**

Confirmation No. **9925**

Filing Date: **28 May 2009**

Title: **Frequency Resolution Using
Compression**

Group Art Unit: **2863**

Examiner: **John H. Le**

CUSTOMER NO. 22470

MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

 **COPY**

EXPRESS ABANDONMENT IN SUPPORT OF


PATENT APPLICATION BACKLOG REDUCTION STIMULUS PLAN

Sir:

Applicant hereby expressly abandons the above-identified application, conditioned upon the grant of a petition to make special for co-pending U.S. Patent Application No. 11/949,670, which is being made in accordance with the Expansion and Extension of the Patent Application Backlog Reduction Stimulus Plan as reported in the Notice at 75 Fed. Reg. 121 (June 24, 2010).

Applicant states that it has not and, in the event the petition to make special for co-pending U.S. Patent Application No. 11/949,670 is granted, will not file a new application that claims the same invention claimed in the above-identified application (in the context of 35 U.S.C. §101), and agrees not to request a refund of any fees paid in the above-identified application.

///

 **COPY**

Application No. 12/473,599

SMPL 1007-4

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (SMPL 1007-4).

Respectfully submitted,


HAYNES BEFFEL & WOLFELD LLP

Date: 10 August 2010

By: /Mark A. Haynes/
Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
Telephone: (650) 712-0340
Facsimile: (650) 712-0263

 **COPY**

 **COPY**

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to United States Patent and Trademark Office on 31 August 2010.

/Kathryn Marley/

Kathryn Marley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Inventor:

Albert W. Wegener

Application No.: **11/949,670**

Confirmation No. **5183**

Filed: **03 December 2007**

Title: **Compression and Decompression of Computed Tomography Data**

Group Art Unit: **2624**

Examiner: **Vikkram Bali**

Customer No. 22470

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR § 1.102(a)

Sir:

Further to the Decision mailed 27 August 2010, dismissing the petition filed on 10 August 2010, and in accordance with Notice, 75 Fed. Reg. 121 (June 24, 2010), regarding Expansion and Extension of the Patent Application Backlog Reduction Stimulus Plan, and 37 CFR §1.102(a), Applicant hereby renews the petition to make the above-identified application special on the basis of express abandonment of co-pending U.S. Patent Application No. 12/473,599, filed on May 28, 2009.

STATEMENT OF FACTS

The above-referenced application meets the requirements for special status as set forth below.

The actual filing dates for both of the above-identified application and the application to be abandoned are earlier than October 1, 2009. The above-identified application and the application to be abandoned have the same inventor and the same Assignee.

Applicant has filed a letter of express abandonment of co-pending U.S. Patent Application No. 12/473,599, with a statement that Applicant has not and will not file a new application that claims the same invention (in the context of 35 U.S.C. §101) claimed in the

expressly abandoned application, that Applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and that Applicant agrees not to request a refund of any fees paid in the expressly abandoned application. A copy of the letter of express abandonment and the accompanying statement are appended hereto.

Applicant and Assignee certify that neither has filed petitions in more than 14 other applications requesting special status under this program, and agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

CONCLUSION

Accordingly, Applicant petitions to make the above-identified application special on the basis of express abandonment of another co-pending application.

In accordance with 75 Fed. Reg. 121 (June 24, 2010), the petition fee is waived.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (SMPL 1009-1).

Respectfully submitted,

Dated: 31 August 2010

/Mark A. Haynes/

Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
(650) 712-0340 phone
(650) 712-0263 fax

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically transmitted to United States Patent and Trademark Office on 31 August 2010.

/Kathryn Marley/

Kathryn Marley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of inventor(s):

Albert W. Wegener

Application No. **12/473,599**

Confirmation No. **9925**

Filing Date: **28 May 2009**

Title: **Frequency Resolution Using
Compression**

Group Art Unit: **2863**

Examiner: **John H. Le**

CUSTOMER NO. 22470

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**EXPRESS ABANDONMENT IN SUPPORT OF
PATENT APPLICATION BACKLOG REDUCTION STIMULUS PLAN**

Sir:

Applicant hereby expressly abandons the above-identified application, conditioned upon the grant of a petition to make special for co-pending U.S. Patent Application No. 11/949,670, which is being made in accordance with the Expansion and Extension of the Patent Application Backlog Reduction Stimulus Plan as reported in the Notice at 75 Fed. Reg. 121 (June 24, 2010).

Applicant states that it has not and, in the event the petition to make special for co-pending U.S. Patent Application No. 11/949,670 is granted, will not file a new application that claims the same invention claimed in the above-identified application (in the context of 35 U.S.C. §101).

Applicant states that it has not and, in the event the petition to make special for co-pending U.S. Patent Application No. 11/949,670 is granted, will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United

States Code, and agrees not to request a refund of any fees paid in the above-identified application.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (SMPL 1007-4).

Respectfully submitted,

HAYNES BEFFEL & WOLFELD LLP

Date: 31 August 2010

By: /Mark A. Haynes/
Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
Telephone: (650) 712-0340
Facsimile: (650) 712-0263

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HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY CA 94019

MAILED

AUG 27 2010

In re Application of	:	OFFICE OF PETITIONS
WEGENER	:	DECISION ON PETITION
Application No. 11/949,670	:	TO MAKE SPECIAL
Filed: December 3, 2007	:	37 CFR 1.102
Attorney Docket No. SMPL 1009-1	:	

This is a decision on the petition under 37 CFR 1.102, filed August 10, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

- a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The petition lacks Item 4b above.

More specifically, the letter of express abandonment filed in Application No. 12/473,599, does not include the required statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code. As such, the present petition to make special must be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

During continued pre-examination processing, all other inquiries concerning this application should be directed to the Office of Patent Application Processing. Thereafter, all other inquiries should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Examination processing for continued pre-examination processing as a regular, non-special, status utility application.



Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY CA 94019

MAILED
SEP 07 2010
OFFICE OF PETITIONS

In re Application of	:	
WEGENER	:	DECISION ON
Application No. 11/949,670	:	RENEWED PETITION
Filed: December 3, 2007	:	TO MAKE SPECIAL
Attorney Docket No. SMPL 1009-1	:	37 CFR 1.102

This is a decision on the renewed petition under 37 CFR 1.102, filed August 31, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.


The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

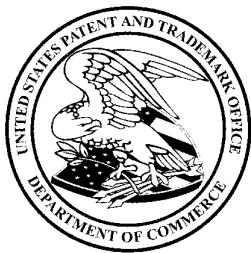
Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.



Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 16,2011

In re Application of :

Gary Liu

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11949690

Filed : 03-Dec-2007

Attorney Docket No : 10664-0147002

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 16,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3718 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11949690	
Filing Date	03-Dec-2007	
First Named Inventor	Gary Liu	
Art Unit	3718	
Examiner Name	PIERRE ELISCA	
Attorney Docket Number	10664-0147002	
Title	CERTIFIED TRANSMISSION SYSTEM	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Alex Chan/
Name	Alex Chan
Registration Number	52713



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DEC 06 2011

OFFICE OF PETITIONS

FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 8,027,923	: DECISION ON
Gary G. Liu	: REQUEST FOR RECONSIDERATION
Application No. 11/949,690	: of PATENT TERM ADJUSTMENT
Issue Date: September 27, 2011	: and
Filed: December 3, 2007	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 10664-0147002	: CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)", filed November 28, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected from two hundred forty-four (244) days to two hundred ninety (290) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein.**

On September 27, 2011, the instant application matured into U.S. Patent No. 8,027,923 with a patent term adjustment of two hundred forty-four (244) days. The Office determined a patent term adjustment of 244 days based upon 246 days of "B" delay, reduced by 2 days of Applicant delay.

Patentees argue that even though they filed an RCE on May 16, 2011, they should be awarded 37 CFR 1.703(b) "over three year" delay from the time the Office mailed a Notice of Allowance on May 24, 2011 until the issue date of the patent. In other words, Patentee argues that no continued examination took place during this time period, and the Office should be accorded 127

additional days of delay pursuant to 37 CFR 1.703(b). Patentee's argument has been considered, but is not persuasive.

RELEVANT STATUTE AND REGULATIONS

The statutory basis for calculation of "B delay" is 35 U.S.C. 154(b)(1)(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);
- (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or
- (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

The implementing regulation, 37 CFR 1.702(b) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

- (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);
- (2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);
- (3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;
- (4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or
- (5) Any delay in the processing of the application by the Office that was requested by the applicant.

OPINION

Patentee's arguments have been considered, but not found persuasive. The Office calculated the period of "B delay" pursuant to 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.702(b)(1) as 246 days based on the application having been filed under 35 U.S.C. 111(a) on September 27, 2011 and a request for continued examination under 132(b) having been filed on May 16, 2011. In other words, the 127 day period beginning on the date of mailing of the Notice of Allowance on May 24, 2011 to the date of issuance of the patent was considered time consumed by continued examination of an application under 35 U.S.C. 132(b) and was not included in the "B delay."

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

- (a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:
 - (1) Payment of the issue fee, unless a petition under § 1.313 is granted;
 - (2) Abandonment of the application; or
 - (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.
- (b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentees' argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified

actions before an adjustment will accrue for “A delay” (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, (580 F. Supp. 2d 138), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including “any time consumed by” means not including any days used to prosecute the application as specified in clauses (i)-(ii)². Clause (i) specifies “any time consumed by continued examination of the application requested by the applicant under section 132(b).” Clause (ii) specifies “any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court.” “Time” in the context of this legislation throughout refers to days. “Consumed by” means used by or used in the course of. Websters Collegiate Dictionary, (11th ed.). The “any” signifies that the days consumed by are “any” of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, “any time consumed by” refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for “B delay” does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, “the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued” meaning that the consequence of this failure is that after “the end of that 3-year period” an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

The “time consumed by” or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the “American Inventors Protection Act of 1999,” as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 (“[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor”). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 (“[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant”). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 (“[w]henver, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application”). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO’s responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO’s duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) (“[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned”). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)’s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office’s failure to issue the patent within three years, but does not include “any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b).” It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was filed on May 16, 2011, and the patent issued by virtue of that request on September 27, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on May 16, 2011 and ending on September 27, 2011 is not included in calculating Office delay.

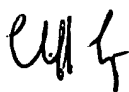
In addition, Patentee also argues that he should not have been assessed 2 days of Applicant delay for filing a reply in response to a February 2, 2009 Office action on May 4, 2009, because May 2nd and May 3rd fell on a weekend. Patentee’s argument has been considered, and found to be persuasive. As such, zero day of Applicant delay should have been assessed for this filing.

³ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

In view thereof, the correct number of days of patent term adjustment is **two hundred forty-six (246)** days (246 days of "B" delay, reduced by 0 days of Applicant delay).

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred forty-six (246)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 8,027,923 B2

DATED : September 27, 2011

INVENTOR(S) : Liu

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 244 days.

Delete the phrase "by 244 days" and insert – by 246 days--



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SOUTHFIELD MI 48075

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of
Hal C. Cantor et al.
Application No. 11/949,718
Filed: December 3, 2007
Attorney Docket No. **TDDS 0102 PUS1**

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed August 5, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request is not approved because the practitioner(s) lacks items (2) and (3) certifications mention above that is required under 37 CFR 10.40. It is also noted, that the request failed to list a correspondence address for either the first named inventor or the assignee of record. Therefore, the request can not be granted at this time we strongly encourage petitioner to use the enclosed Request for Withdrawal as Attorney or Agent and Change of Correspondence Address form PTO/SB/83.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions

Attachment: Blank Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83) form



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MAILED

SEP 14 2010

In re Application of	:	OFFICE OF PETITIONS
Hal C. Cantor, et al.	:	
Application No. 11/949,721	:	DECISION ON PETITION
Filed: December 3, 2007	:	TO WITHDRAW
Attorney Docket No. TDDS -1-2 PUS2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they (1) have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment, nor have they certified that they (2) have delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled or (3) have they notified the client of any responses that may be due and the time frame within which they must respond. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: HAL C. CANTOR
31550 NORTHWESTERN HIGHWAY
#110
FARMINGTON HILLS, MI 48334

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64a U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING UNDER 37 CFR 1.137(f)	
Application Number	11949748	
Filing Date	03-Dec-2007	
First Named Inventor	Yingju Sun	
Art Unit	2186	
Examiner Name	PIERRE MICHE BATAILLE	
Attorney Docket Number	SVPA-035	
Title	SOLID STATE STORAGE DEVICES WITH CHANGEABLE CAPACITY	
<p>The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).</p> <p>PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b).</p> <p>A grantable petition requires the following items: (1) Petition fee; (2) Reply; (3) Statement that the entire delay was unintentional.</p>		
<p>Petition fee The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c)) Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is 12-10-2007</p> <p><input checked="" type="checkbox"/> The non-publication request has been filed on 03-Dec-2007</p>		

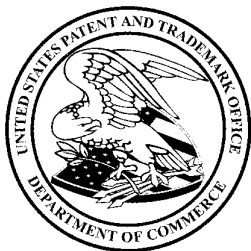
☒ STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/ joe zheng /
Name	Joe Zheng
Registration Number	39450



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : May 24, 2011

In re Application of :

DECISION ON PETITION

Yingju Sun

Application No : 11949748

Filed : 03-Dec-2007

Attorney Docket No : SVPA-035

This is an electronic decision on the petition, filed May 24, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on

12-10-2007

However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date will be viewable in Private PAIR within one (1) business day.

This application file is being directed to the Office of Data Management.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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VALLEY FORGE PA 19482

MAILED

AUG. 04 2010

OFFICE OF PETITIONS

In re Application of	:	
Ashutosh Pande et al.	:	
Application No. 11/949,778	:	DECISION ON PETITION
Filed: December 4, 2007	:	
Attorney Docket No. ST01005C1C1 (137-US-	:	
C1C1)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment, mailed May 11, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 12, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 3662 for appropriate action by the Examiner in the normal course of business on the reply received.



JoAnne Burke
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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**YUDELL ISIDORE NG RUSSELL PLLC
8911 N. CAPITAL OF TEXAS HWY.,
SUITE 2110
AUSTIN TX 78759**

**MAILED
OCT 19 2011
OFFICE OF PETITIONS**

In re Application of	:	
Brown et al.	:	
Application No. 11/949,823	:	ON PETITION
Filed: December 4, 2007	:	
Attorney Docket No. AUS920070420US1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination and an Amendment under 37 CFR § 1.114 and § 2.66, (2) the petition fee of \$1860.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2476 for further processing of the Request for Continued Examination under 37 CFR § 1.114 filed concurrently with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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General Electric Company
GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton CT 06484

MAILED
AUG 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Mark Anthony Serrano	:	
Application No. 11/949,826	:	DECISION ON PETITION
Filed: December 4, 2007	:	
Attorney Docket No. 226906	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed July 14, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 15, 2010. A Notice of Abandonment was mailed on February 10, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2833 for appropriate action by the Examiner in the normal course of business on the reply received August 12, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA, VA 22314

MAILED
JAN 24 2011
OFFICE OF PETITIONS

In re Application of
Kenneth Hann, et al.
Application No. 11/949,845
Filed: December 4, 2007
Attorney Docket No. 3502-1134
:
:
: **DECISION GRANTING PETITION**
: **UNDER 37 CFR 1.313(c)(2)**
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 24, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 11, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2474 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of	:	
David Elberbaum	:	
Application No. 11/949,853	:	DECISION ON PETITION
Filed: December 4, 2007	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ELBX 23.324 (100792-00189	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 15, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the inventor declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2614 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON, KY 40550-0999

MAILED
APR 29 2011
OFFICE OF PETITIONS

In re Application of :
Thomas Wilbur Blanck, et al. :
Application No. 11/950,060 : **ON PETITION**
Filed: December 4, 2007 :
Attorney Docket No.: 2007-0092.01 :

This is a decision on the petition, filed March 2, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is not signed by a registered attorney or agent of record. However, in accordance with 37 CFR 1.34(a), the signature of Justin M. Tromp appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 16, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 17, 2010. A Notice of Abandonment was mailed on January 6, 2011. On March 2, 2011, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay¹

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being referred to Technology Center AU 2884 for appropriate action by the Examiner in the normal course of business on the reply received March 2, 2011.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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WALL & TONG, LLP/
ALCATEL-LUCENT USA INC.
25 James Way
Eatontown NJ 07724

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In re Application of :
Tapan J. Chakraborty, et al. :
Application No. 11/950,138 : DECISION GRANTING PETITION
Filed: December 4, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CHAKRABORTY 12-4- :
12-1-10 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 4, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 7, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2825 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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25 James Way
Eatontown NJ 07724

MAILED
AUG 31 2010
OFFICE OF PETITIONS

In re Application of :
Tapan J. Chakraborty, et al. :
Application No. 11/950,177 : DECISION GRANTING PETITION
Filed: December 4, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CHAKRABORTY 13-5- :
13-2-11 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 30, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 27, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2825 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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WALL & TONG, LLP/
ALCATEL-LUCENT USA INC.
25 James Way
Eatontown NJ 07724

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In re Application of
Tapan J. Chakraborty, et al.
Application No. 11/950,177
Filed: December 4, 2007
Attorney Docket No. CHAKRABORTY 13-5-
13-2-11

:
:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 4, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 7, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2825 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/950,188	12/04/2007	Tomoyuki Shibata	TSUTP111US	6080
7590 TUROCY & WATSON, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER RAMAKRISHNAIAH, MELUR	
10/21/2011			ART UNIT 2614	
			PAPER NUMBER	
			NOTIFICATION DATE 10/21/2011	
			DELIVERY MODE ELECTRONIC	

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at <http://www.uspto.gov/patft/index.html>.
- ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nikki Farmer

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/950,188	12/04/2007	Tomoyuki Shibata	TSUTP111US	6080
7590 TUROCY & WATSON, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER RAMAKRISHNAIAH, MELUR	
10/21/2011			ART UNIT 2614	
			PAPER NUMBER	
			NOTIFICATION DATE 10/21/2011	
			DELIVERY MODE ELECTRONIC	

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Sannes

Patent Publication Branch
Office of Data Management

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11950271	
Filing Date	04-Dec-2007	
First Named Inventor	Meir Adest	
Art Unit	2836	
Examiner Name	JUSTEN FAUTH	
Attorney Docket Number	048649-001100	
Title	DISTRIBUTED POWER HARVESTING SYSTEMS USING DC POWER SOURCES	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Michael S. Cuiello/
Name	Michael S. Cuiello
Registration Number	59255



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 8, 2012

In re Application of :

Meir Adest

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11950271

Filed : 04-Dec-2007

Attorney Docket No : 048649-001100

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 8, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2836 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 01-12-12

TO SPE OF : ART UNIT 2454

SUBJECT : Request for Certificate of Correction for Appl. No.: 11950341 Patent No.: 8005936

CofC mailroom date: 01-05-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.


Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

Note: _____


Angela Green 571.272.9005

CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☒ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: the examiner does not approve the substitution of --one or more values--

in place of --specified value-- because the change will require further search and

consideration. All other corrections are approved.

SPE 

Art Unit 2454



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United States Patent and Trademark Office
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED
FEB 06 2012
OFFICE OF PETITIONS

In re Patent No. 8,050,005	:	
Issue Date: 11/01/2011	:	
Application No. 11/950,445	:	ON PETITION
Filed: 12/05/2007	:	
Attorney Docket No. 2380-1060	:	

This is in response to the "37 CFR 1.322 & 37 CFR 1.323 REQUEST FOR CERTIFICATE OF CORRECTION FOR USPTO AND/OR APPLICANT MISTAKE", filed January 11, 2012, which is being treated as a request under 37 CFR 3.81(b).

Patentees request for the patent to be corrected via Certificate of Correction to state the name of the assignee as Telefonaktiebolaget LM Ericsson (Publ) instead of Telefonaktiebolaget LM Ericsson. Patentees assert that the printing of the incorrect assignee name on the patent was due to an error by the USPTO, and thus, no fee is required. With the present petition, patentees submitted a completed Certificate of Correction form and an authorization to charge the Deposit Account for any necessary fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

Pursuant to MPEP 1309(II):

The Fee(s) Transmittal form (PTOL -85B) provides a space (item 3) for assignment data which should be completed in order to comply with 37 CFR 3.81. Unless an assignee's name and address are identified in item 3 of the Fee(s) Transmittal form PTOL-85B, the patent will issue to the applicant. **Assignment data printed on the patent will be based solely on the information so supplied.** See MPEP § 307.

Emphasis added.

A review of the Fee Transmittal form indicates that patentees identified the assignee as Telefonaktiebolaget LM Ericsson in item (3) of PTOL-85B. Thus, the printing of the incorrect assignee name on the patent was due to an error by patentees (not the USPTO).

Pursuant to MPEP 307:

A request for a certificate of correction under 37 CFR 1.323 (see MPEP § 1481 and § 1485) arising from **incomplete or erroneous assignee's name furnished**, or a missing assignee's name, **in item 3 of PTOL-85B will not be granted unless a request under 37 CFR 3.81(b) has been granted and the assignment was submitted for recordation as set forth in 37 CFR 3.11 before the patent issued.** Any such request under 37 CFR 3.81(b) should be directed to the Office of Petitions and should include:

- (A) the processing fee required by 37 CFR 1.17(i);
- (B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;
- (C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before the issuance of the patent; and
- (D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).

As patentees furnished the incorrect assignee name in item 3 of PTOL-85B, the Office must charge the deposit account for the \$130.00 processing fee required by 37 CFR 1.17(i) and the \$100.00 Certificate of Correction fee set forth in 37 CFR 1.20(a).

As patentees have met the requirements of 37 CFR 3.81(b), the request to correct the assignee's name is GRANTED.

The Certificates of Correction Branch will be notified of this decision granting the request under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch.



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/950,621	12/05/2007	Yuji EGI	740756-3138	6875
22204 7590 02/23/2012 NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER CHEN, WEN YING PATTY	
			ART UNIT 2871	PAPER NUMBER
			MAIL DATE 02/23/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Commissioner for Patents
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February 23, 2012

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

In re Application of :
Yuji Egi et al. : **DECISION ON PETITION**
Application No. 11950621 :
Filed: 12/5/2007 :
Attorney Docket No. 740756-3138 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84(a)(2), received in the United States Patent and Trademark Office (USPTO) March 13, 2008.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFS filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/950,621	12/05/2007	Yuji EGI	740756-3138	6875
22204	7590	03/07/2012		
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER CHEN, WEN YING PATTY	
			ART UNIT 2871	PAPER NUMBER
			MAIL DATE 03/07/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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March 7, 2012

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

In re Application of	:	
Yuji Egi et al.	:	DECISION ON PETITION
Application No. 11950621	:	
Filed: 12/5/2007	:	ACCEPTANCE OF COLOR
Attorney Docket No. 740756-3138	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 29, 2012.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

LOZA & LOZA LLP
305 North Second Ave., #127
Upland CA 91786-6064

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DEC 01 2011
OFFICE OF PETITIONS

In re Application of :
Jacquelyn Lowden Williams :
Application No. 11/950,652 : **DECISION ON PETITION**
Filed: December 5, 2007 :
Attorney Docket No. JLV-1001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, September 8, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 9, 2009. A Notice of Abandonment was mailed on March 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Prosecution) and fee of \$465, (2) the petition fee of \$930, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3761 for appropriate action by the Examiner in the normal course of business on the reply received October 25, 2011.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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ALLERGAN INC
2525 DUPONT DRIVE T2-7H
IRVINE CA 92612-1599

MAILED

NOV 15 2011

OFFICE OF PETITIONS

In re Application of :
Chow, et al. :
Application No. 11/950,667 : ON PETITION
Filed: December 5, 2007 :
Attorney Docket No. 18157 (app) :

This is a decision on the petition to revive under
37 CFR 1.137(b), filed November 2, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.


The above application became abandoned for failure to timely file
a reply to the non-final Office action, mailed April 28, 2011.
This Office action set a shortened statutory period for reply of
three (3) months. No reply having been received, the application
became abandoned on July 29, 2011.

With the instant petition, applicants made the proper statement
of unintentional delay, paid the petition fee, and filed the
required reply in the form of an Amendment.

Pursuant to 37 CFR 1.136, an extension of time must be filed
prior to the expiration of the maximum period obtainable for
reply to avoid abandonment. Accordingly, since the \$1270
extension of time fee submitted with the petition on November 2,
2011 was subsequent to the maximum period obtainable for reply
(October 28, 2011), this fee is being refunded to petitioner
under separate cover.

The application is being forwarded to Group Art Unit 1625 for consideration of the Amendment, filed November 2, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/950,756	12/05/2007	Ihab S. Soliman	81163761	7102
36865	7590	04/10/2012	EXAMINER	
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP			CHIBOGU, CHIEDU A	
806 S.W. BROADWAY, SUITE 600			ART UNIT	
PORTLAND, OR 97205			PAPER NUMBER	
			3632	
			MAIL DATE	
			DELIVERY MODE	
			04/10/2012	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APR 10 2012

Alleman, Hall, McCoy, Russell & Tuttle, LLP
806 S.W. Broadway
Suite 600
Portland, OR 97205

In re Application of : DECISION ON THE PETITION
Ihab Soliman, et al. : REGARDING REQUEST TO
Application No. 11/950,756 : WITHDRAW REQUIREMENT
Filed: December 5, 2007 : FOR RESTRICTION
For: TORQUE CONTROL FOR HYBRID ELECTRIC
VEHICLE SPEED CONTROL OPERATION

Applicant's petition under 37 CFR 1.144, filed December 29, 2011, requests the supervisor to withdraw the requirement for restriction in the Office action of June 23, 2010.

The petition is **GRANTED**.

A review of the file record indicates that on June 23, 2010, the examiner required restriction between Invention I, claims 1-10, Invention II, claims 11-14, Invention III, claims 15-20. The examiner required a further election between the Species I, depicted in Figures 4A and 4B; and Species II, depicted in Figures 4C-4F. The examiner further required election of one of Species IA-IF and Species IIA-IIM, depending upon which of Species I or II is elected. The applicant elected with traverse Invention III, Species II, Sub-species IIJ on July 23, 2010. The applicant cancelled claims 1-14 and added claims 21-36. On October 21, 2010 the examiner issued a non-final Office action that withdrew claims 16 and 20-36 as being drawn to a non-elected invention and examined claims 15 and 17-19. In this Office action, the examiner also indicated that the arguments for traversal of the restriction were not persuasive and made the restriction final. The applicant filed the instant petition on December 29, 2011.

In the above-noted petition, the applicant argues that the restriction was improper for the following reasons: 1) There is insufficient reasoning of record to support the restriction; 2) An analysis of the actual claims shows that the restriction is improper; and 3) There is no evidence of any searching burden between invention groups or species.

In deciding the above-noted petition, Argument 2) above, will be first analyzed since if it is determined that claims 15-36 are not properly restrictable, the remaining arguments will be moot.

Initially, it is noted that applicant does not contest the initial restriction between Inventions I, II and III, and indeed has cancelled claims to Inventions I and II. However,

the applicant has argued that the remaining method claims, 15-36 are not properly restrictable. In the petition applicant has correctly indicated that for related inventions to be properly restrictable, an examiner must show that:

- 1) the inventions as claimed either are not capable of use together or can have a materially different design, mode of operation, function, or effect;
- 2) the inventions do not overlap in scope, i.e., are not mutually exclusive; and
- 3) the inventions as claimed are not obvious variants.

In the indication that the requirement had been made final on October 21, 2010, the examiner indicates that the independent claims 15, 21 and 30 have specific differences that result in the above conditions being met. Specifically, the examiner indicates that claim 15 is different from both claims 21 and 30, because claim 15 claims a method providing a requested brake torque of a vehicle **at a stopped condition** while claims 21 and 30 are drawn to a method of controlling the torque to **decelerate a vehicle to a desired speed**. Additionally, the examiner indicates that claim 21 claims a method of performing a vehicle speed control by varying the torque of **at least one of a first or a second energy conversion device (ECD)**. This, the examiner argues, differs from claim 30 which is drawn to a method of performing a vehicle speed control **through the selection of one of six "modes", wherein the six modes each work to uniquely vary the internal combustion engine, the first ECD, the second ECD and the transmission of the vehicle** to maintain a desired speed.

The question is: Are the claims above, properly considered to be non-overlapping and mutually exclusive? While claim 15 requires the braking to be done to maintain the vehicle at a stopped condition, and claims 21 and 30 only seek to maintain a desired speed, there is nothing preventing the desired speed in claims 21 and 30 from being a speed of zero. Therefore, the distinction presented by the examiner that claim 15 is mutually exclusive from claims 21 and 30 is not seen as being accurate. Furthermore, while claim 21 does require braking by varying the torque of at least one of a first or second ECD, it would appear that claim 30 has modes 1-3 which provide braking torque from either a second ECD, a first ECD, or both a first and a second ECD, respectively. It would seem then that claims 21 and 30 appear to include at least some overlap in the subject matter that they are claiming.

Additionally, in a more general sense, it would seem that the claims 15-36 are not claiming independent and distinct inventions, but merely claiming a single inventive method, with said method having different claim scopes.

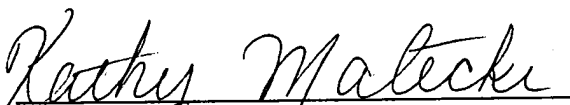
Any further arguments contained in the petition directed toward the sufficiency of the detail contained in the restriction requirement, or the manner in which the examiner justified the requirement for restriction, or responded to the traversal by the applicant, are seen as being moot given the holding that the remaining pending claims are not properly restrictable.

Therefore the restriction made by the examiner on June 23, 2010 is hereby **WITHDRAWN**.

This application is being returned to the examiner to consider the applicant's latest response filed February 23, 2012, and to issue a new Office action that includes an examination on the merits of pending claims 15-36, consistent with this decision.

The petition of December 29, 2011 is GRANTED.

Any questions or comments with respect to this decision should be forwarded to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.



Kathy Matecki, Director
Patent Technology Center 3600
(571) 272-5250

snm/snm: 4/5/12



SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8-16-10

TO SPE OF : ART UNIT 3634

SUBJECT : Request for Certificate of Correction for Appl. No.: 11950763 Patent No.: 7740047

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square – 9D10-E
Palm Location 7580**

Omega Lewis
Certificates of Correction Branch
703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: per examiners amendment



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HOLLAND & HART, LLP
P.O BOX 8749
DENVER CO 80201

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Application of
Jordan David EISENBERG
Application No. 11/950,871
Filed: December 05, 2007
Attorney Docket No.

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 25, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 25, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3765 for appropriate action by the Examiner in the normal course of business on the reply received

Michelle R. Eason
Paralegal Specialist
Office of Petitions



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ANTOINETTE M TEASE
PO BOX 51016
BILLINGS MT 59105

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SEP 06 2011

OFFICE OF PETITIONS

In re Application of :
Burkholder, et al. :
Application No. 11/950,885 : ON PETITION
Filed: December 5, 2007 :
Attorney Docket No. 21936-010001 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed August 24, 2011.

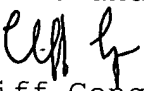
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply in response to the Office action mailed December 30, 2010. This Office action set a shortened statutory period for reply of one (1) month. No reply having been received, the application became abandoned on January 31, 2011.

With the instant petition, petitioner made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Election.

The application is being forwarded to Group Art Unit 2178 for consideration of the Election, filed August 24, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.


Cliff Congo
Petitions Attorney
Office of Petitions



No. 11/950,924

Page 2

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AVERY DENNISON CORPORATION
AMANDA WITTINE
8080 NORTON PARKWAY
22-D
MENTOR, OH 44060

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NOV 23 2011

OFFICE OF PETITIONS

In re Application of :
Ian J. Forster :
Application No. 11/950,924 :
Filed: December 5, 2007 :
Attorney Docket No. AVERP4298US :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2011, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 26, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A one (1) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is August 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$930, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1860; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED** *nunc pro tunc*.

The Technology Center was without authority to act further in the case absent a grantable petition reviving this application after abandonment. Nevertheless, in view of this decision on petition the RCE is now considered a proper filing and the actions of the Technology Center taken thereafter are hereby ratified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2612 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read "April M. Wise". The signature is fluid and cursive, with the first name "April" and last name "Wise" clearly distinguishable.

April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



Paper No.: _____

DATE : April 20, 2011

TO SPE OF : ART UNIT 1626

SUBJECT : Request for Certificate of Correction for Appl. No. 11/950960 patent No. 7709513

C of C mailroom date: --04-15-11

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

571-272- 0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Joseph K. McKane/

SPE

1626

SPE

Art Unit

Deleted: _____



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

DEC 28 2011

In re Application of	:	OFFICE OF PETITIONS
Shlomo Raikin et al	:	
Application No. 11/950,963	:	DECISION ON PETITION
Filed: December 5, 2007	:	
Attorney Docket No. P25327	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the final Office action mailed November 18, 2010. A Notice of Abandonment was mailed on May 20, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action mailed November 18, 2010, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2188 for appropriate action by the Examiner in the normal course of business.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/950,975	12/05/2007	Philippe Ehrismann	MTI1877-164	7507
8698 7590 06/07/2011 STANDLEY LAW GROUP LLP 6300 Riverside Drive Dublin, OH 43017			EXAMINER BALL, JOHN C	
			ART UNIT 1759	PAPER NUMBER
			MAIL DATE 06/07/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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June 7, 2011

WG

In re application of	:	DECISION ON REQUEST TO
Philippe Ehrismann	:	PARTICIPATE IN PATENT
Serial No. 11/950,975	:	PROSECUTION HIGHWAY
Filed: December 5, 2007	:	PROGRAM AND
For: METHOD OF MONITORING AN	:	PETITION TO MAKE SPECIAL
ELECTROCHEMICAL HALF-CELL	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program filed March 25, 2011.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition fail because English translations of the EPO office actions along with a statement that the English translations are accurate have not been provided. Also, an English translation of the allowable/patentable claims has been provided but a copy of the allowable/patentable

Application No. 11/950,975

claims from the EPO application and a statement that the translation thereof is accurate has not been provided.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700



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**PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010**

**MAILED
AUG 03 2011
OFFICE OF PETITIONS**

In re Application of :
Choi et al. :
Application No. 11/951,087 : **DECISION ON PETITION**
Filed: December 5, 2007 :
Attorney Docket No. 2217.08 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 18, 2011 revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

With respect to item (1) petitioner has failed to submit the \$755.00 issue fee and the \$300.00 publication fee. Further, 35 U.S.C. 41(a)(7) and 151 each require payment of the issue fees as a condition of reviving an application abandoned for failure to pay the issue fees.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES CA 90010**

MAILED

AUG 18 2011

OFFICE OF PETITIONS

In re Application of :
Choi et al. :
Application No. 11/951,087 : **DECISION ON PETITION**
Filed: December 5, 2007 :
Attorney Docket No. 2217.08 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 3, 2011, as required by the Notice of Allowance and Fee(s) Due mailed February 3, 2011. Accordingly, the date of abandonment of this application is May 4, 2011. A Notice of Abandonment was mailed May 19, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755.00 and the publication fee of \$300.00, (2) the petition fee of \$810.00 (previously submitted July 18, 2011); and (3) a proper statement of unintentional delay.

Additionally, petitioner has submitted an unnecessary duplicate \$810.00 petition fee. This fee will be refunded to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**TYCO HEALTHCARE GROUP LP
D/B/A COVIDIEN
15 HAMPSHIRE STREET
MANSFIELD MA 02048**

MAILED

OCT 17 2011

OFFICE OF PETITIONS

In re Application of :
Mark Callahan et al :
Application No. 11/951,107 : DECISION GRANTING PETITION
Filed: December 5, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. H-KN-00818 (1502-207) :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 17, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 16, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3739 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 7, 2011

In re Application of :

Chris ROTHE

Application No : 11951188

Filed : 05-Dec-2007

Attorney Docket No : USGINZ03701

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 7, 2011

The request is **APPROVED**.

The request was signed by Johny U. Han (registration no. 45565) on behalf of all attorneys/agents associated with Customer Number 40518 . All attorneys/agents associated with Customer Number 40518 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name USGI Medical, Inc.
Name2
Address 1 1140 Calle Cordillera
Address 2
City San Clemente
State CA
Postal Code 92673
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11951188	
Filing Date	05-Dec-2007	
First Named Inventor	Chris ROTHE	
Art Unit	3773	
Examiner Name	MARK MASHACK	
Attorney Docket Number	USGINZ03701	
Title	APPARATUS AND METHODS FOR MANIPULATING AND SECURING TISSUE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 40518		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	USGI Medical, Inc.	
Address	1140 Calle Cordillera	
City	San Clemente	
State	CA	
Postal Code	92673	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Johney U. Han/
Name	Johney U. Han
Registration Number	45565



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/951,258	12/05/2007	Kazuhiko Nakazawa	10039052US01	8012
34904 7590 11/26/2010 CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION 15975 ALTON PARKWAY IRVINE, CA 92618-3731			EXAMINER TRAN, THAI Q	
			ART UNIT 2484	PAPER NUMBER
			NOTIFICATION DATE 11/26/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mklein@cusa.canon.com
skalminov@cusa.canon.com
IPDocketing@cusa.canon.com



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MAILED

NOV 20 2010

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2400**

CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE, CA 92618-3731

In re Application of
NAKAZAWA, KAZUHIKO et al. : DECISION ON REQUEST TO
Application No. 11/951,258 : PARTICIPATE IN PATENT
Filed: December 5, 2007 : PROSECUTION HIGHWAY
Attorney Docket No. 10039052US01 : PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 5, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



15 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CANTOR COLBURN LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

In re Application of	:	
TAMEGAI et al	:	
Application No.: 11/951,408	:	DECISION ON PETITION
Filing Date: December 6, 2007	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: PRM-0113	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 20, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii);

Application Number: 11/951,408 11/951,408

-2-

(2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Bryan Lin at (571)272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being returned to the Office of Publications.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAMILTON & TERRILE, LLP
IBM Austin
P.O. BOX 203518
AUSTIN, TX 78720

MAILED
AUG 19 2010
OFFICE OF PETITIONS

In re Application of :
Joaquin Madruga, et al. :
Application No. 11/951,435 :
Filed: December 6, 2007 :
Attorney Docket No.: AUS920070442US1 :

ON PETITION

This is a decision in response to the petition, filed June 21, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

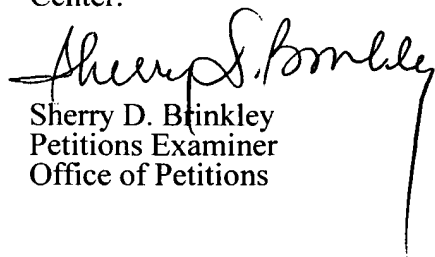
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 10, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on October 11, 2009. A Notice of Abandonment was mailed on January 28, 2010. On June 21, 2010, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply in the form of an amendment; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2182 for appropriate action by the Examiner in the normal course of business on the response filed June 21, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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MOTOROLA MOBILITY, INC.
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED

MAY 17 2011

OFFICE OF PETITIONS

In re Application of	:	
LUZ, et al	:	
Application No. 11/951,445	:	DECISION ON PETITION
Filed: December 6, 2007	:	
Attorney Docket No. CE16588R	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 22, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 19, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and publication fee of \$300; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/951,457	12/06/2007	Takashi SATO	4639-066	8417
22429 7590 08/20/2010 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			EXAMINER SRIRAMAN, NIKHIL	
			ART UNIT 3664	PAPER NUMBER
			MAIL DATE 08/20/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 20 2010

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re application of	:	DECISION ON REQUEST TO
Sato et al	:	PARTICIPATE IN PATENT
Application No. 11/951,457	:	PROSECUTION HIGHWAY
Filed: December 6, 2007	:	PROGRAM AND PETITION
For: ROBOT CONTROL APPARATUS	:	TO MAKE SPECIAL UNDER
FOR FORCE CONTROL	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 6, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, quality assurance Specialist, at (571) 272-6578.

/ Mikado Buiz

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 8/19/10



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STERNE KESSLER GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

MAILED

AUG 05 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Robert G. Bell et al :
Application No. 11/951,492 :
Filed: December 6, 2007 :
Attorney Docket No. 2710.1670004/JUK/SAS :

This is a decision on the petition, filed August 2, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 24, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1628 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement previously filed June 14, 2010.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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BURR & BROWN
PO BOX 7068
SYRACUSE NY 13261-70

MAILED

SEP 03 2010

OFFICE OF PETITIONS

In re Application of :
Antony Paul Van De Ven, et al. :
Application No. 11/951,626 : DECISION GRANTING PETITION
Filed: December 6, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 931_053 NP :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 2, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 13, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2879 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)	
Nonprovisional Application Number or Control Number (if applicable): 11/951,656	Patent Number (if applicable):
First Named Inventor: Yukihiro KAWAMATA	Title of Invention: Car Information System, Map Server ...
<p>APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.</p> <p>1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:</p> <ul style="list-style-type: none">a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.c. The statutory or non-statutory time period set for response has not yet expired.d. Withdrawal and reissuance of the Office communication is requested.e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <p>2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:</p> <ul style="list-style-type: none">a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.c. The USPTO is requested to <i>sua sponte</i> waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.	

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- a. The maintenance fee payment was required to have been paid after March 10, 2011.
 - b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature **/Michael H. Jacobs/**

Date **May 23, 2011**

Name
(Print/Typed) **Michael H. Jacobs**

Practitioner
Registration Number **41,870**

Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of _____ forms are submitted.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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**CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300**

MAILED

MAY 25 2011

OFFICE OF PETITIONS

In re Application of :
Kawamata et al. :
Application No. 11/951,656 : **DECISION ON PETITION**
Filed: December 6, 2007 :
Attorney Docket No. 056205.59758US :

This is a decision on the request filed May 23, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on December 15, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 3664 for re-mailing the Office action of December 15, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/22/11

TO SPE OF : ART UNIT: 3724 Attn: ASHLEY BOYER D (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/951658 Patent No.: 8046926

CofC mailroom date: 12/06/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: Please check Claim 10

Should the amended claim be amended again or not

Tasneem Siddiqui

Certificates of Correction Branch

703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

**BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER**

SPE

**3724
Art Unit**



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P.O. Box 1450
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ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST
255 S ORANGE AVENUE, SUITE 1401
ORLANDO, FL 32801

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of :
Francis E. PARSCHE, et al. :
Application No. 11/951,673 : DECISION GRANTING PETITION
Filed: December 6, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **GCSD-1965 (61633)** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 26, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 4, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2832 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of

Kim

Application No. 11/951,732

Filed: December 6, 2007

Attorney Docket No. DLO0002US

MAILED

OCT 21 2010

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed October 21, 2008.

The petition is **granted**.

This application was held abandoned February 27, 2008, after no reply was received to the Notice to File Corrected Application Papers mailed December 26, 2007. The notice set forth a shortened period of reply of two months from its mailing date. No response was received within the allowable period and the application became abandoned on February 27, 2008. A Notice of Abandonment was mailed September 4, 2008. The instant petition was filed on October 21, 2008. Petitioner maintains that the notice of December 26, 2007, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to the Office of Patent Application Processing for further processing that will include remailing the Notice to File Corrected Application Papers and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY.,
SUITE 2110
AUSTIN, TX 78759

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of
Mark Andrew Brittain, et al.
Application No. 11/951,752
Filed: December 6, 2007
Attorney Docket No.: AUS920041030US2

ON PETITION

This is a decision in response to the petition, filed July 23, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 9, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on September 10, 2009. A Notice of Abandonment was mailed on December 28, 2009. On July 23, 2010, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, including a terminal disclaimer and fee; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 2187 for appropriate action by the Examiner in the normal course of business on the reply received July 23, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

In re Application of	:	
Carl Boodman	:	RESPONSE TO PETITION
Application No. 11/951,901	:	TO EXPUNGE FILED
Filed: December 6, 2007	:	UNDER 37 CFR § 1.59(b)
For: MOVABLE PARTITIONS WITH LATERAL	:	
RESTRAINT DEVICES AND RELATED	:	
METHODS	:	

This is a response to the petition under 37 CFR § 1.59(b), filed February 16, 2011 to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte* Quayle action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that document entitled "INSTALLATION GUIDE - TRANZFORM©90 MIN FIRE" dated September 28, 2007 submitted as proprietary information on February 16, 2011 be expunged if it is found not to be material to patentability.

A proper petition under 37 CFR 1.59(b) to expunge information submitted under MPEP § 724.02, or that should have been submitted under MPEP § 724.02 (as where proprietary information is submitted in an information disclosure statement but inadvertently not submitted in a sealed envelope as discussed in MPEP § 724.02) must contain:

- (A) a clear identification of the information to be expunged without disclosure of the details thereof;
- (B) a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public;
- (C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (D) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information;
- (E) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b).

Petitioner has failed to meet requirements (B)-(D) above. Furthermore, the decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Any questions regarding this communication should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.


Katherine Matecki, Director
Patent Technology Center 3600
(571) 272-5350

KM/tl: 02/25/11



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JUL 14 2011

TRASKBRITT, P.C.
P.O. Box 2550
SALT LAKE CITY, UTAH 84110

In re Application of GOODMAN, E. CARL
Appl. No.: 11/951,901
Filed: December 6, 2007

**RESPONSE TO PETITION
UNDER 37 CFR 1.59**

For: MOVABLE PARTITIONS WITH LATERAL
RESTRAINT DEVICES AND RELATED METHODS

This is a decision on the revised petition under 37 CFR 1.59(b), filed April 15, 2011, to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that document entitled "INSTALLATION GUIDE - TRANZFORM®90 MIN FIRE" dated September 28, 2007 submitted as proprietary information on February 16, 2011 be expunged if it is found not to be material to patentability.

A proper petition under 37 CFR 1.59(b) to expunge information submitted under MPEP § 724.02, or that should have been submitted under MPEP § 724.02 (as where proprietary information is submitted in an information disclosure statement but inadvertently not submitted in a sealed envelope as discussed in MPEP § 724.02) must contain:

- (A) a clear identification of the information to be expunged without disclosure of the details thereof;
- (B) a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public;
- (C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (D) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information;
- (E) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b)

Petitioner has met all the requirements of (A) – (E) and prosecution on the merits of the case is closed. The information in question has been determined by the examiner of record and the undersigned to not be material to the examination of the instant application.

As the above conditions have been met, the requested material has been expunged. However, the material will not be returned to the applicants. The obligation to return documents was removed from 37 CFR 1.59 (June 30, 2003 Fed Register, Vol. 68, No. 125, 38613). The documents have been closed from the IFW record so as not to be viewable by non-PTO personnel. This decision only applies to this application, and any other applications containing the proprietary information will need to be separately decided.

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Any questions regarding this decision should be directed to Katherine Mitchell at (571) 272-7069.

A handwritten signature in cursive script, reading "Katherine A. Matecki".

Katherine A. Matecki, Director
Patent Technology Center 3600
(571) 272-5250

KM/TL: 6/20/2011

Handwritten initials "TL" in a stylized, cursive font.



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AMPACC LAW GROUP, PLLC
6100 219TH STREET SW, SUITE 580
MOUNTLAKE TERRACE WA 98043

MAILED

SEP 13 2011

OFFICE OF PETITIONS

In re Application of	:
Kwang-II, et al.	:
Application No. 11/951,902	: DECISION ON PETITION
Filed: 6 December, 2007	:
Attorney Docket No. 110CS-008000US	:

This is a decision on the petition filed on 9 August, 2011, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

NOTE:

Petitioner did not include with the petition the petition fee, however, Petitioner appears to have authorized fees and those fees are now charged.

Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct—as well as the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner appears to have submitted a corrected/replacement oath/declaration, but not a corrected/replacement application data sheet (ADS).

The petition under 37 C.F.R §1.182 is **DISMISSED**.

A request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.182."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Application No. 11/951,902

The guidance in the Commentary set forth at MPEP§605.04(c) directs Petitioner to the proper procedure herein:

605.04(c)Inventor Changes Name [R-5]

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and ****>a statement< signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a * copy of the court order.**

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form as to an inventors' names—the name having been typed and signed in that form.

Petitioner has since indicated to the Office that the name of inventors/applicants must be corrected to overcome the incorrect form of the name of the inventors.

As noted above, it appears that Petitioner submitted an executed oath/declaration in the "corrected" form—but an updated application data sheet (ADS) appears not to have been submitted, the latter of which may not be required but should be included.

Moreover, Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 11/951,902

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AMPACC LAW GROUP, PLLC
6100 219TH STREET SW, SUITE 580
MOUNTLAKE TERRACE WA 98043

MAILED

FEB 08 2012

OFFICE OF PETITIONS

In re Application of :
Kwang-II, et al. :
Application No. 11/951,902 : **DECISION ON PETITION**
Filed: 6 December, 2007 :
Attorney Docket No. 110CS-008000US :

This is a decision on the petition filed on 14 October, 2011, requesting correction of the name of the inventor/applicant, and considered for relief under 37 C.F.R §1.182.

The petition under 37 C.F.R §1.182 is **GRANTED**.

The guidance in the Commentary set forth at MPEP§605.04(c) directs Petitioner to the proper procedure herein:

605.04(c)Inventor Changes Name [R-5]

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and ****>a statement< signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a * copy of the court order.**

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record. (Emphasis supplied)

BACKGROUND

A search of the file indicates that:

The instant application was filed, Petitioner indicates, with another form as to the inventors' names—the names having been typed and signed in that form.

On original petition, Petitioner indicated to the Office that the name of inventors/applicants must be corrected to overcome the incorrect form of the name of the inventors. Petitioner submitted an executed oath/declaration in the "corrected" form—but not an updated application data sheet (ADS). Most importantly, Petitioner did not include with the petition and fee the required declaration by the inventor/applicant, signed in both forms of the inventor/applicant's name—that averred to have been incorrect and that averred to be correct. The petition was dismissed on 13 September, 2011.

On 14 October, 2011, Petitioner re-advanced the petition, this time represented to include executed statements from each of the inventors as required under the Rule.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts


of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.182 is **granted**.

The application is released to the Office of Patent Application Processing (OPAP) for processing as necessary to update Office records and mail a corrected filing receipt before being returned to the Publications Branch for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11951923	
Filing Date	06-Dec-2007	
First Named Inventor	Andrew Van Luchene	
Art Unit	3714	
Examiner Name	JUSTIN MYHR	
Attorney Docket Number	3207102	
Title	Real Time Trivia Match with Questions with Proof	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 52297		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(b)(c)(1)(vi) 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Andrew Van Luchene	
Address	1012 Marquez Pl #205a	
City	Santa Fe	
State	NM	

Postal Code	87505
Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Ellen Gonzales/
Name	Ellen Gonzales
Registration Number	44128



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 27,2011

In re Application of :

Andrew Van Luchene

Application No : 11951923

Filed : 06-Dec-2007

Attorney Docket No : 3207102

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 27,2011

The request is **APPROVED**.

The request was signed by Ellen Gonzales (registration no. 44128) on behalf of all attorneys/agents associated with Customer Number 52297 . All attorneys/agents associated with Customer Number 52297 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Andrew Van Luchene
Name2
Address 1 1012 Marquez Pl #205a
Address 2
City Santa Fe
State NM
Postal Code 87505
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	11/951,966	Filing date:	2007-12-06
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First Named Inventor:	Yoshitomo MARUMOTO
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Title of the Invention:	IMAGE DATA GENERATING APPARATUS, IMAGE PRINTING APPARATUS, AND IMAGE DATA GENERATING METHOD
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2007/066670

The international date of the corresponding PCT application(s) is/are: 2007-08-28

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE JPO AND THE USPTO**

(continued)

Application No.: 11/951,966

First Named Inventor: Yoshitomo MARUMOTO

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on 2009-04-03 and 2007-12-06

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on 2009-04-03 and 2007-12-06

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Substantially Identical - last recited ";" replaced with ","
2	2	Substantially Identical - last recited ";" replaced with ","
3	3	Identical
4	4	Identical
5	5	Identical
6	6	Identical
7	7	Identical
8	8	Substantially Identical - parentheses replaced with commas
9	9	Identical
10	10	Substantially Identical - parentheses replaced with commas
11	11	Identical
12	12	Substantially Identical - multiple dependency has been removed
13	13	Identical
14	14	Substantially Identical - multiple dependency has been removed
15	15	Substantially Identical - "executers" amended to read "executes"
16	16	Substantially Identical - "fewer frequency component" amended to read "fewer frequency components"
17	17	Identical
18	19	Substantially Identical - last recited ";" replaced with ","
19	20	Substantially Identical - "stored in a computer readable medium" language has been added

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Sean M. Walsh/	Date 2011-12-01
Name (Print/Typed) Sean M. Walsh	Registration Number 63510

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor: Yoshitomo MARUMOTO

Application No. 11/951,966

Title: IMAGE DATA GENERATING APPARATUS, IMAGE PRINTING APPARATUS, AND
IMAGE DATA GENERATING METHOD

VERIFIED TRANSLATION OF DOCUMENTS CONCERNING INTERNATIONAL APPLICATION

The undersigned, of the below address, hereby certifies that he well knows both the English and Japanese Languages, and that the attached are accurate translations of the documents listed below concerning International Application No. PCT/JP2007/066670

Official Notice of Published International Application
Patented Claims

Signed this 24th day of November, 2011

Signature: _____



Name: Katsuhisa ITOH

Address: No. 6-20, Akasaka 2-Chome

Minato-ku Tokyo 107-0052 Japan

Translation of PCT-JPO claims

1. An image data generating apparatus that generates image data used for printing an image on a unit area of a printing medium by a plurality of scans of a printing head, said apparatus comprising:

a divider that divides multi-valued image data representing the image to be printed on the unit area into a plurality of multi-valued image data corresponding respectively to the plurality of scans; and

a generator that generates a plurality of n-valued image data corresponding respectively to the plurality of scans by executing quantization processes respectively to the plurality of divided multi-valued image data in sequence, the plurality of divided multi-valued image data being obtained by said divider;

wherein said generator executes subsequent quantization process based on results of precedent quantization process which has been precedently executed.

2. An image data generating apparatus that generates image data used for printing an image on a unit area of a printing medium with performance of a plurality of scans of a printing head for ejecting inks having plural colors, said apparatus comprising:

a divider that divides multi-valued image data for each color representing the image to be printed on the unit area into a plurality of multi-valued image data of each color which corresponds respectively to the plurality of scans; and

a generator that generates a plurality of n-valued image data of each color which corresponds respectively to the plurality of scans by executing quantization processes respectively to the plurality of divided multi-valued image data of each color in sequence, the plurality of divided multi-valued image data being obtained by said divider;

wherein said generator executes subsequent quantization

process based on results of precedent quantization process which has been precedently executed.

3. An image data generating apparatus as claimed in claim 2, wherein, based on the result of the precedent quantization process which has been executed to the multi-valued image data of one color for one of the plurality of scans, said generator executes the subsequent quantization process to the multi-valued image data of another color for another of the plurality of scans.

4. An image data generating apparatus as claimed in claim 2, wherein, based on the result of the precedent quantization process which has been executed to the multi-valued image data of one color for one of the plurality of scans, said generator executes the subsequent quantization process to the multi-valued image data of the one color for another of the plurality of scans.

5. An image data generating apparatus as claimed in claim 2, wherein, based on the result of the precedent quantization process which has been executed to the multi-valued image data of one color for one of the plurality of scans, said generator executes the subsequent quantization process to the multi-valued image data of another color for the one of the plurality of scans.

6. An image data generating apparatus as claimed in claim 2, wherein, based on the result of the precedent quantization process which has been executed to the multi-valued image data of one color for one of the plurality of scans, said generator executes the subsequent quantization process to the multi-valued image data of the one color for the one of the plurality of scans.

7. An image data generating apparatus as claimed in claim

2, wherein said generator sequentially executes quantization processes to the respective multi-valued image data of respective colors, which correspond to respective colors of inks, in an order of ejecting of the inks to the unit area.

8. An image data generating apparatus as claimed in claim 2, wherein

in a case that the plurality of scans are N (N is an integer greater than 2) scans, the plural colors of inks are K (K is an integer greater than 2) colors, and said generator sequentially executes first to NK th quantization processes to $N \times K$ types of the divided multi-valued image data,

the X th ($1 < X \leq NK$) quantization process as the subsequent quantization process is executed based on the result of $(X - 1)$ types of precedent quantization processes as the first to $(X - 1)$ th quantization processes.

9. An image data generating apparatus as claimed in claim 8, wherein said generator executes the subsequent quantization process corresponding to X th quantization process based on information obtained by making weighting on the result of $(X - 1)$ types of precedent quantization processes.

10. An image data generating apparatus as claimed in claim 2, wherein

in a case that the plurality of scans are N (N is an integer greater than 2) scans, the plural colors of inks are K (K is an integer greater than 2) colors, and said generator sequentially executes first to NK th quantization processes to $N \times K$ types of the divided multi-valued image data,

the X th ($1 < X \leq NK$) quantization process as the subsequent quantization process is executed based on the result of the precedent quantization processes of types smaller than $(X - 1)$ types of precedent quantization processes as the first to $(X - 1)$ th quantization processes.

11. An image data generating apparatus as claimed in claim 10, wherein said generator executes the subsequent quantization process corresponding to Xth quantization process based on information obtained by making weighting on the result of the precedent quantization processes of types smaller than (X-1) types of precedent quantization processes.

12. An image data generating apparatus as claimed in claim 9 or 11, wherein levels of the weighting are different among different types of the precedent quantization processes.

13. An image data generating apparatus as claimed in claim 2, wherein said generator executes the subsequent quantization process based on results of the precedent quantization process, so that a probability at which ink ejection positions indicated by n-valued image data obtained by the subsequent quantization process are identical with ink ejection positions indicated by n-valued image data obtained by the precedent quantization process is lower than a probability at which the ink ejection positions indicated by n-valued image data obtained by the subsequent quantization process is identical with ink non-ejection positions.

14. An image data generating apparatus as claimed in any of claims 1 to 13, wherein said divider divides multi-valued image data unevenly for the plurality of scans.

15. An image data generating apparatus as claimed in claim 2, wherein said generator corrects the multi-valued image data to be subjected to the subsequent quantization process so that the multi-valued image data to be subjected to the subsequent quantization process is made smaller for pixels having n-valued image data representing ink ejection among n-valued image data as the result of the precedent quantization processes, and executes the quantization process to the corrected multi-valued image data.

16. An image data generating apparatus as claimed in claim 2, wherein a logical sum of respective n-valued image data generated by the precedent quantization process and the subsequent quantization process has fewer frequency component than that of a logical sum of respective n-valued image data generated by quantization processes which are executed independently to one another.

17. An image printing apparatus that performs printing of an image on a unit area of a printing medium by a plurality of scans of a printing head, said apparatus comprising:

a divider that divides multi-valued image data representing the image to be printed on the unit area into a plurality of multi-valued image data corresponding respectively to the plurality of scans; and

a generator that generates a plurality of n-valued image data corresponding respectively to the plurality of scans by executing quantization processes respectively to the plurality of divided multi-valued image data in sequence, the plurality of divided multi-valued image data being obtained by said divider; and

a printing unit that performs printing on the unit area by use of the printing head based on the generated n-valued image data in each of the plurality of scans,

wherein said generator executes subsequent quantization process based on results of precedent quantization process which has been precedently executed.

18. An image printing apparatus that performs printing of an image on a unit area of a printing medium by a plurality of scans of a printing head for ejecting inks having plural colors, said apparatus comprising:

a divider that divides multi-valued image data for each color representing the image to be printed on the unit area into multi-valued image data of each color which corresponds

respectively to the plurality of scans;

a generator that generates a plurality of n-valued image data of each color which corresponds respectively to the plurality of scans by executing quantization processes respectively to the plurality of divided multi-valued image data of each color in sequence, the plurality of divided multi-valued image data being obtained by said divider; and

a printing unit that causes the printing head to eject ink to the unit area based on the generated n-valued image data in each of the plurality of scans,

wherein said generator executes subsequent quantization process based on results of precedent quantization process which has been precedently executed.

19. An image data generating method for generating image data used for printing an image on a unit area of a printing medium by a plurality of scans of a printing head for ejecting inks having plural colors, said method comprising:

a dividing step of dividing multi-valued image data for each color representing the image to be printed on the unit area into a plurality of multi-valued image data of each color which corresponds respectively to the plurality of scans; and

a generating step of generating a plurality of n-valued image data of each color which corresponds respectively to the plurality of scans by executing quantization processes respectively to the plurality of divided multi-valued image data of each color in sequence, the plurality of divided multi-valued image data being obtained by said dividing step;

wherein said generating step executes subsequent quantization process based on results of precedent quantization process which has been precedently executed.

20. A computer program that causes a computer to execute a process for generating image data used for printing an image on a unit area of a printing medium by a plurality of scans of a printing head for ejecting inks having plural colors, said

process comprising:

a dividing step of dividing multi-valued image data for each color representing the image to be printed on the unit area into a plurality of multi-valued image data of each color which corresponds respectively to the plurality of scans; and

a generating step of generating a plurality of n-valued image data of each color which corresponds respectively to the plurality of scans by executing quantization processes respectively to the plurality of divided multi-valued image data of each color in sequence, the plurality of divided multi-valued image data being obtained by said dividing step;

wherein said generating step executing subsequent quantization process based on results of precedent quantization process which has been precedently executed.

21. An image data generating apparatus that generates image data used for printing an image on a unit area of a printing medium by plural printing heads for ejecting an ink having same color , said apparatus comprising:

a divider that divides multi-valued image data for same color representing the image to be printed on the unit area into a plurality of multi-valued image data of same color which corresponds respectively to the plural printing heads; and

a generator that generates a plurality of n-valued image data of the same color which corresponds respectively to the plural printing heads by executing quantization processes respectively to the plurality of divided multi-valued image data of the same color in sequence, the plurality of divided multi-valued image data being obtained by said divider,

wherein said generator executes subsequent quantization process based on results of precedent quantization process which has been precedently executed.

22. An image printing apparatus that performs printing of an image on the unit area of a printing medium by causing plural printing heads to eject ink having the same color while

scanning the plural printing heads to the unit area, said apparatus comprising:

- a divider that divides multi-valued image data for same color representing the image to be printed on the unit area into a plurality of multi-valued image data of same color which corresponds respectively to the plural printing heads;

- a generator that generates a plurality of n-valued image data of the same color which corresponds respectively to the plural printing heads by executing quantization processes respectively to the plurality of divided multi-valued image data of the same color in sequence, the plurality of divided multi-valued image data being obtained by said divider; and

- a printing unit that causes the printing head to eject the ink having the same color to the unit area based on the generated n-valued image data,

wherein said generator executes subsequent quantization process based on results of precedent quantization process which has been precedently executed.

23. An image data generating method for generating image data used for printing an image on a unit area of a printing medium by plural printing heads for ejecting an ink having same color, said method comprising:

- a dividing step of dividing multi-valued image data for same color representing the image to be printed on the unit area into a plurality of multi-valued image data of same color which corresponds respectively to the plural printing heads; and

- a generating step of generating a plurality of n-valued image data of each color which corresponds respectively to the plurality of scans by executing quantization processes respectively to the plurality of divided multi-valued image data of each color in sequence, the plurality of divided multi-valued image data being obtained by said dividing step;

- a generating step of generating a plurality of n-valued image data of the same color which corresponds respectively to the plural printing heads by executing quantization processes

respectively to the plurality of divided multi-valued image data of the same color in sequence, the plurality of divided multi-valued image data being obtained by said dividing step,

wherein said generating step executes subsequent quantization process based on results of precedent quantization process which has been precedently executed.



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**FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800**

**MAILED
FEB 06 2012
OFFICE OF PETITIONS**

**In re Application of
Yoshitomo Marumoto
Application No.: 11/951,966
Filed: December 6, 2007
Attorney Docket No.: 01272.138612
For: IMAGE DATA GENERATING
APPARATUS, IMAGE PRINTING
APPARATUS, AND IMAGE DATA
GENERATING METHOD**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 1, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

However, the request to participate in the PPH pilot program and petition fail to meet requirement (5).

Regarding the requirement of condition (5), a non-final action was issued for this application on December 15, 2011.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.



Anthony Knight
Director
Office of Petitions



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WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Application of
John Jay DERNOVSEK, et al.
Application No. 11/951,969
Filed: December 6, 2007
Attorney Docket No. **N8226.25**

:
:
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.182**
:

This is a decision on the petition under 37 CFR 1.182, filed July 7, 2010, to change the order of the names of the inventors.


The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account 23-0035.

This application is being referred to Technology Center AU 2838 for examination in due course.

Telephone inquiries regarding this decision should be directed to Monica A. Graves at (571) 272- 7253.


Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/951,969	12/06/2007	2838	1850	N8226.25	20	3

CONFIRMATION NO. 9355

CORRECTED FILING RECEIPT



OC000000042824690

23456
WADDEY & PATTERSON, P.C.
1600 DIVISION STREET, SUITE 500
NASHVILLE, TN 37203

Date Mailed: 07/30/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

John Jay Dernovsek, Madison, AL;
Steve Mays, Madison, AL;

Power of Attorney: The patent practitioners associated with Customer Number 23456

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/09/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/951,969**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

METHOD OF OPERATING A RESONANT INVERTER USING ZERO CURRENT SWITCHING AND ARBITRARY FREQUENCY PULSE WIDTH MODULATION

Preliminary Class

363

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Paper No.

STEMEDICA CELL
TECHNOLOGIES, INC
5375 MIRA SORRENTO PLACE,
SUITE 100
SAN DIEGO CA 92121

MAILED
JAN 03 2012
OFFICE OF PETITIONS

In re Application of :
Vorotelyak et al. : DECISION ON PETITION
Application No. 11/952,018 :
Filed: December 6, 2007 :
Atty Docket No. STEM-35.US1 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed December 12, 2011.

The petition is GRANTED.

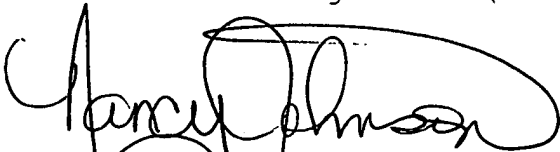
The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed May 2, 2011. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). A reply was filed on November 7, 2011, with a certificate of mailing dated November 2, 2011. However, the reply was not submitted with sufficient fees for the extension of time for response within the third month required to make this response timely. Accordingly, the application became abandoned effective August 3, 2011. A courtesy Notice of Abandonment was mailed on November 30, 2011.

The petition includes the required reply in the form of an amendment, the statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

Petitioner should confirm sufficient fees in their deposit account to cover any fees associated with the reply filed December 12, 2011.

Technology Center AU 1653 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed December 12, 2011.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, loopy flourish extending from the end of the name.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02/29/12

TO SPE OF : ART UNIT 2629

SUBJECT : Request for Certificate of Correction for Appl. No.: 11952075 Patent No.: 7911416

CofC mailroom date: 02/22/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: Should the changes in the Other Publications, page 3, left column, line 69 be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: The request dated 2/22/2012 has been reviewed and approved.

Quan-Zhen Wang

AU 2629

SPE

Art Unit



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MAR 13 2012

OFFICE OF PETITIONS

FISH & RICHARDSON P.C. (SV)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 8,086,600	: DECISION ON APPLICATION FOR
Issued: December 27, 2011	: PATENT TERM ADJUSTMENT
Application No. 11/952,078	:
Filing or 371(c) Date: December 6, 2007	:
Dkt. No.: 16113-0298001	:

This is a decision on the application for patent term adjustment under 37 CFR 1.705(d) filed on February 23, 2012 requesting a increase in patent term adjustment from 460 days to 583 days.

The petition for reconsideration of the patent term adjustment is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 8,086,600 on December 27 2011. The patent issued with a patent term adjustment of 460 days. The instant application for patent term adjustment was timely filed February 23, 2012.

Patentees contest the reductions with respect to the reductions accorded in connection with the applicant replies filed April 11, 2011 and August 15, 2011.

The request for reconsideration of the aforementioned reductions is **DISMISSED AS UNTIMELY**.

Patentees are advised that any request for reconsideration under 37 CFR 1.705(d) that raises issues that were raised, or could have been raised, in an application for patent term adjustment under 37 CFR 1.705(b) shall be dismissed as untimely as to those issues. As applicant delay contested by patentees could have been raised under 37 CFR 1.705(b), patentees' request for reconsideration of said reduction is dismissed as untimely.

Patentees further dispute the 125 days accorded pursuant to 37 CFR 1.703(b). Patentees assert that the period beginning on December 7, 2010 (the day after the date that is three years after the date on which the application was filed), and ending December 27, 2011 (the date the patent was issued), is 386 days in length. With respect to the request for continued examination filed on April 11, 2011, patentees assert that the Director erred in subtracting from "B Delay" a period of time that was not "consumed by continued examination of the application. Patentees argue that no continued examination took place during the 119 day period from August 31, 2011 (the mailing date of the Notice of Allowance), until December 27, 2011 (the date the patent was issued). Accordingly, patentees assert that the patent is entitled to an additional 119 days of "B Delay."

Patentees' arguments have been considered, but not found persuasive.

35 USC 154(b)(1)(B) states in relevant part:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including — (i) any time consumed by continued examination of the application requested by the applicant under section 132(b).

37 CFR 1.702(b) states in relevant part:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including: (1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b).

37 CFR 1.703(b) states in relevant part:

The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods: (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Thus, counting the period of time excluded from the “B delay” for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C.

154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, No. 07-1492, 2008 U.S. Dist. LEXIS 76063 (D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the

application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including “any time consumed by” means not including any days used to prosecute the application as specified in clauses (i)-(ii)¹. Clause (i) specifies “any time consumed by continued examination of the application requested by the applicant under section 132(b).” Clause (ii) specifies “any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court.” “Time” in the context of this legislation throughout refers to days. “Consumed by” means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The “any” signifies that the days consumed by are “any” of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, “any time consumed by” refers to any days used in the course of 1) continued examination of the application under section 132(b)(the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for “B delay” does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, “the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued” meaning that the consequence of this failure is that after “the end of that 3-year period” an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

The “time consumed by” or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the “American Inventors Protection Act of 1999,” as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

¹ Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 (“[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor”). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 (“[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant”). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 (“[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application”). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO’s responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See, BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO’s duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See, In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See, 37 CFR 1.56(a) (“[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned”). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See, 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures² permit the filing of a request for continued examination under 37 CFR

² Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

Accordingly, in the instant matter, the period of adjustment under § 1.702(b) is 125 days, the period from April 11, 2011, the date that the RCE was filed, to December 27, 2011, the date that the patent issued, being excluded from the period of adjustment under 37 CFR 1.702(b).

In view thereof, no adjustment to the patent term will be made.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM K. BUCHER
TEKTRONIX, INC.
14150 S.W. KARL BRAUN DRIVE
P.O. BOX 500, MS 50-LAW
BEAVERTON, OR 97077

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Jonathan D. CLEM	:	
Application No. 11/952,092	:	DECISION ON PETITION
Filed: December 6, 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 8035-US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 18, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure s to timely pay the issue and publication fees on or before May 1, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 1, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 2, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a **statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional**; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks item (3) the required statement of unintentional delay.

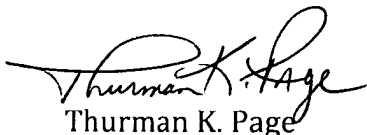
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.



Thurman K. Page
Petitions Examiner
Office of Petitions



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WILLIAM K. BUCHER
TEKTRONIX, INC.
14150 S.W. KARL BRAUN DRIVE
P.O. BOX 500, MS 50-LAW
BEAVERTON, OR 97077

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JAN 10 2011

OFFICE OF PETITIONS

In re Application of
Jonathan D. CLEM
Application No. 11/952,092
Filed: December 6, 2007
Attorney Docket No. **8035-US1**

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.137(b)
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 1, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed February 1, 2010. Accordingly, the date of abandonment of this application is May 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Office of Data Management Division for processing into a patent.

Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/952,335	12/07/2007	RODNEY KIETH WILLIAMS	492.0008USU1	1047
57557 7590 10/07/2011 PAULY, DEVRIES SMITH & DEFFNER, L.L.C. Plaza VII-Suite 3000 45 South Seventh Street MINNEAPOLIS, MN 55402-1630			EXAMINER NGUYEN, HUNG D	
			ART UNIT 3742	PAPER NUMBER
			NOTIFICATION DATE 10/07/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@pdsdlaw.com
kds@pdsdlaw.com
lposorske@pdsdlaw.com



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PAULY, DEVRIES SMITH & DEFFNER, L.L.C.
Plaza VII-Suite 3000
45 South Seventh Street
MINNEAPOLIS MN 55402-1630

In re Application of:
WILLIAMS, RODNEY KIETH
Serial No.: 11/952,335
Filed: Dec. 7, 2007
Docket: 492.0008USU1
Title: FUSION PROCESS USING AN ALKALI
METAL METALATE

DECISION ON PETITION

This is a decision on the petition filed on June 28, 2011 seeking to withdraw the finality of the Office action of June 9, 2011 in accordance with MPEP 706.07(d). The petition is being considered pursuant to 37 CFR § 1.181 and no fee is required for the petition.

The petition is **DISMISSED**.

The petitioner requests withdrawal of the finality of the Office action mailed June 9, 2011. The petitioner believes that the final rejection of June 9, 2011 was not necessitated by the applicant's amendment filed on March 28, 2011. In particular, petitioner asserts that the examiner may not make a second office action final unless in all instances of the application such new art are necessitated by amendment. The petitioner therefore asserts that the combination of the Somerville et al, Mathiesen et al. and Conant patents in the rejection requires withdrawal of finality.

The record shows that:

1. On December 27, 2010, the examiner issued a non-final rejection. Elected claims 90-94, 96-97, and 99-105 were rejected under 35 USC 103. In the non-final Office action,

- claims 90, 93, 96-97, 99 and 101-105 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cignetti et al (US Pat. 5,272,720) in view of Stevens (US Pat. 2,485,851). Claim 91 was rejected under 35 U.S.C. 103(a) as being unpatentable over Cignetti et al (US Pat. 5,272,720) in view of Stevens (US Pat. 2,485,851) and further view of Mathiesen et al (US Pat. 5,939,016). Claim 92 was rejected under 35 U.S.C. 103(a) as being unpatentable over Cignetti et al. (US Pat. 5,272,720) in view of Stevens (US Pat. 2,485,851) and further view of Okudaira et al (US Pat. 4,902,341) or Yabuki et al. (US Pat. 4,744,821) (both newly cited). Claim 94 was rejected under 35 U.S.C. 103(a) as being unpatentable over Cignetti et al. (US Pat. 5,272,720) in view of Stevens (US Pat. 2,485,851) and further view of Descarsin (US Pat. 3,205,292) (cited by applicant). Claim 91 was rejected under 35 U.S.C. 103(a) as being unpatentable over Cignetti et al (US Pat. 5,272,720) in view of Stevens (US Pat. 2,485,851) and further view of Mathiesen et al (US Pat. 5,939,016) and Forbes Jones et al. (US Pub. 2003/0016723).
2. In response to the non-final rejection on December 27, 2010, the applicant filed an amendment on March 28, 2011, cancelling all elected claims and adding new claims 111-122.
 3. On June 9, 2011, the examiner mailed a final rejection. In view of the substantive amendment adding new claims 111-122, in the final rejection, claims 111-112, 114, 116-117 and 120-122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cignetti et al. (US Pat. 5,272,720) (previously cited) in view of Petit et al. (US Pat. 6,409,791) or Sommerville et al. (US Pat. 4,940,486) and Mathiesen et al. (US Pat. 5,939,016). Claim 113 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cignetti et al (US Pat. 5,272,720) in view of Petit et al (US Pat. 6,409,791) or Sommerville et al (US Pat. 4,940,486) and Mathiesen et al (US Pat. 5,939,016) and further view of Okudaira et al (US Pat. 4,902,341) or Yabuki et al (US Pat. 4,744,821). Claims 115 and 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cignetti et al (US Pat. 5,272,720) in view of Petit et al (US Pat. 6,409,791) or Sommerville et al (US Pat. 4,940,486) and Mathiesen et al (US Pat. 5,939,016) and further view of Conant (US Pat. 2,774,750). Claim 118 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cignetti et al (US Pat. 5,272,720) in view of Petit et al (US Pat. 6,409,791) or Sommerville et al (US Pat. 4,940,486) and Mathiesen et al (US Pat. 5,939,016) and further view Forbes Jones et al (US Pub. 2003/0016723).
 4. On June 28, 2011, a request for withdrawal of finality was filed. The applicant believes that the new grounds of rejections were not necessitated by the newly added claims 111-122.

Discussion and Analysis

In this petition, petitioner asserts that the finality of the Office action was improper because the final rejection was not necessitated by the amendment filed on March 28, 2011. In order to determine whether or not the amendment filed March 28, 2011 necessitated the new grounds of rejection in the final Office action of June 9, 2011, a comparison of at least the added independent claim 111 filed on March 28, 2011 and the original independent claim 90 filed on December 7, 2007 must be made.

A review of the newly added independent claim 111¹ presented on March 28, 2011, *inter alia*, shows that the amendment, compared to the original independent claim 90², includes the newly added and/or amended limitations regarding “a charge of a metal source comprising an alkali metal metalate and a reagent in particulate form at the top of the nonconductive vessel” and “the nonconductive vessel and the reactor core are heated by a flux”. It is undisputed that the newly submitted independent claim 111 filed on March 28, 2011 adds new claim language, elements and features. The scope of the newly added claim 111 was for the first time presented to the examiner in the amendment filed March 28, 2011. Original independent claim 90 does not include these limitations and was rejected under 35 USC 103(a) as being unpatentable over Cignetti et al (US Pat. 5,272,720) in view of Stevens (US Pat. 2,485,851). Based on the newly added claim 111 of March 28, 2011, the examiner has changed and/or added additional reference(s) in the rejection of claims in the final rejection of June 9, 2010. In the newly added claim 111, the limitations regarding “a charge of a metal source comprising an alkali metal metalate and a reagent in particulate form at the top of the nonconductive vessel” and “the nonconductive vessel and the reactor core are heated by a flux” were amended or added. The examiner was required to search for and reconsider the prior art relating to the amended or added limitations. Subsequently, prior art references and patents to Petit, Sommerville and Mathiesen were necessitated and applied to the new independent claim (claim 111). For example, the Petit and Sommerville patents were thus required in order to show or teach the added limitations regarding “a charge of a metal comprising an alkali metal metalate and a reagent in particulate form at the top”. The Mathiesen patent was thus required in order to show or teach the added limitations regarding the nonconductive vessel (12) and the susceptor (70) are heated by a flux created by the induction coil (46 and 74). Whereas the original claim 90 did not require those added limitations. Therefore, the Petit, Sommerville and Mathiesen patents were added and applied to newly added independent claim 111. After the amendment of March 28, 2011, the search strategy, search fields, consideration and application of prior art references of record differed. The Petit, Sommerville and Mathiesen patents were applied in the rejection, which was necessitated by the amendment of March 28, 2011. This evidences new grounds of rejection that were in fact necessitated by the applicant’s amendment filed on March 28, 2011. Therefore, the final rejection is proper and in compliance with M.P.E.P. § 706.07(a)³.

¹Claim 111. (New) A reactor structure comprising a reactor for forming a purified metal, the reactor comprising: (a) an induction coil and a nonconductive reaction vessel positioned in the interior of the coil, the vessel having a fluid port, the fluid port having a circular diameter of about 1 to about 10 centimeters; (b) a conductive reactor core positioned within the nonconductive vessel; (c) the reactor comprises a reactor-flow space positioned between the reactor core and the interior surface of the nonconductive vessel, the space having an annular thickness of about 2 to about 10 centimeters; and (d) a charge of a metal source comprising an alkali metal metalate and a reagent in particulate form at the top of the nonconductive vessel; wherein the nonconductive vessel and the reactor core are heated by a flux created by the induction coil to a temperature greater than 700°C.

² Claim 90. (Original) A reactor structure comprising: (a) an induction coil; positioned in the interior of the induction coil, a conductive reaction vessel having a fluid port; and (b) a conductive reactor core positioned within the conductive or nonconductive vessel; wherein the vessel and the reactor core are heated by magnetic flux created by the induction coil to a temperature greater than 700°C.

³ Relevant portion of MPEP § 706.07(a): Final Rejection, When Proper on Second Action, states: Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

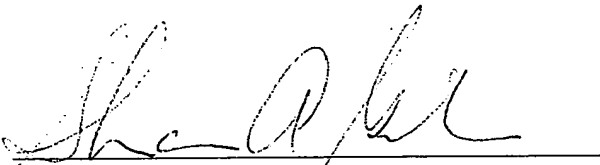
The review of the record shows that the examiner was in compliance with proper examining practice as set forth in M.P.E.P. § 706.07(a). The claim amendment presented on March 28, 2011 necessitated the new grounds of rejection as promulgated in the final Office action issued on June 9, 2011. The examiner's finality of the Office action is correct. Therefore, the relief requested by petitioner cannot be granted by petition.

Conclusion

For the foregoing reasons, the relief requested by petitioner will not be granted. The examiner's finality of the Office action dated June 9, 2011 is appropriate.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Josie Ballato, Special Programs Examiner, at (571) 272-3567.

Accordingly, the petition is dismissed.



Sharon A. Gibson, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110602-A

DATE : June 02, 2011

TO SPE OF : ART UNIT

SUBJECT : Request for Certificate of Correction on Patent No.: 7728109

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/MISOOK YU/
Supervisory Patent Examiner.Art Unit 1642



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LEWIS AND ROCA LLP
1663 Hwy 395, Suite 201
Minden NV 89423

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of
NISHIKAWA, TAKASHI
Application No. 11/952,450
Filed: 12/07/2007
Attorney Docket No. NGB-001

:
:
:
:
:

NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 28, 2010.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This application is being referred to Technology Center Art Unit 1747.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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MAILED

APR 11 2011

OFFICE OF PETITIONS

**COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 - 6TH STREET, NW
WASHINGTON, DC 20001**

In re Application of	:	
YEE, Monfor et al.	:	
Application No. 11/952,483	:	DECISION ON PETITION
Filed: December 07, 2007	:	TO WITHDRAW
Attorney Docket No. BOBJ-126/01US 304661-	:	FROM RECORD
2439	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 11, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the change of address has been previously filed. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **BUSINESS OBJECTS AMERICAS; BUSINESS OBJECTS S.A.
SAP AMERICA, INC.; BUSINESS OBJECTS SOFTWARE LTD.
BUSINESS OBJECTS DATA INTEGRATION, INC.
777 6TH STREET NW, SUITE 1100, ATTN: B. GALLIANI
WASHINGTON DC 20001**



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Alexandria, VA 22313-1450
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**OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010**

MAILED
APR 04 2012
OFFICE OF PETITIONS

In re Application of :
Harris A. Reynolds, Jr. :
Application No. 11/952,538 : **DECISION ON PETITION**
Filed: December 7, 2007 :
Attorney Docket No. 09432/313002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 10, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 17, 2012, as required by the Notice of Allowance and Fee(s) Due, mailed October 14, 2011. Accordingly, the date of abandonment of this application is January 18, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,740 and the publication fee of \$300, (2) the petition fee of \$1,860; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478**

MAILED

OCT 19 2010

OFFICE OF PETITIONS

In re Application of :
Peter Fitzgerald :
Application No. 11/952,607 : **DECISION GRANTING PETITION**
Filed: December 7, 2007 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 21.1389 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 19, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 6, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3672 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement and amendment.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/12/11

TO SPE OF : ART UNIT: 3753 Attn: HEPPERLE STEPHEN M (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/952620 Patent No.: 7832420

CofC Mailroom date: 01/05/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

**Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Stephen M. Hepperle/
SPE Art Unit 3753
SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/952,628	12/07/2007	Guokun ZUO	04536/185001	1603
7590 OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010			EXAMINER JENSEN, NICHOLAS A	
			ART UNIT 2468	PAPER NUMBER
			NOTIFICATION DATE 07/20/2011	DELIVERY MODE ELECTRONIC

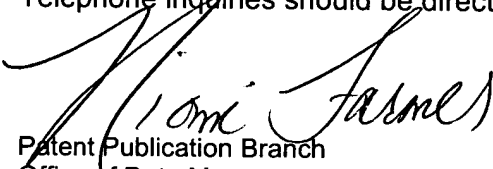
DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Nomi James
Patent Publication Branch
Office of Data Management



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Commissioner for Patents
United States Patent and Trademark Office
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CARY, NC 27518

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DEC 22 2010

OFFICE OF PETITIONS

In re Application of :
Dan Carey, et al. :
Application No. 11/952,690 : DECISION GRANTING PETITION
Filed: December 7, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2867-558B :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 21, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 30, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3729 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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SUITE 160
CARY NC 27518

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In re Application of	:	OFFICE OF PETITIONS
Dan Carey et al	:	
Application No. 11/952,690	:	DECISION GRANTING PETITION
Filed: December 7, 2007	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2867-558B	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 16, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 29, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3729 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
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MINNEAPOLIS MN 55440-1022

In re Patent No. 7,953,746	:	
Garg, et al.	:	DECISION FOR REQUEST
Issue Date: May 31, 2011	:	FOR RECONSIDERATION
Application No. 11/952,770	:	OF PATENT TERM
Filed: December 7, 2007	:	ADJUSTMENT
Attorney Docket No. 16113-1010001	:	

This is a decision on the "Application for Patent Term Adjustment Under 37 CFR 1.705(d)," filed August 1, 2011. Patentees request that the patent term adjustment indicated on the face of the Letters of Patent be corrected from four hundred and seventy-two (472) days, to five hundred and ninety (590) days.

The request for reconsideration of the patent term adjustment under 37 CFR 1.705(d) is **DISMISSED**.

On May 31, 2011, the above-identified application matured into U.S. Patent No. 7,953,746, with a revised patent term of 472 days. By the instant petition, patentees assert that the patent term should be adjusted by 590 days pursuant to 37 CFR 1.702(b) and 37 CFR 1.703(b). Patentees state:

Section 154(b)(1)(B)(i) of Title 35 excludes from the calculation of B Delay "any time consumed by continued examination of the application." In the present matter, a Request for Continued Examination was filed on December 21, 2010. The Director erred in the calculation of the patent term adjustment by subtracting from B Delay a period of time that was not "consumed by continued examination of the application." The PTO mailed a Notice of Allowance on February 3, 2011, thereby closing examination of the application on that date. Thus, no continued examination took place during 118 day period from February 3, 2011 (the mailing date of the Notice of

Allowance) until May 31, 2011 (the date the patent was issued). Accordingly, 118 days for "B Delay" should have been included in addition to the 13 days accorded by the Director for a total B Delay of 131 days.

Excerpt taken from "Application for Patent Term Adjustment Under 37 CFR 1.705(d)," filed August 1, 2011, page 2.

The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)¹. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued

¹ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F. Supp.2d 138(D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The

time it takes to prosecute the application ends not with the mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)². Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b) (the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

² Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henver, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance. Conversely, if after the issuance of a notice of allowance under

35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures³ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the

³ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was filed on December 21, 2010, and the patent issued by virtue of that request on May 31, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on December 21, 2010, and ending on May 31, 2011, is not included in calculating Office delay.

In view thereof, it is concluded that the patent term adjustment of 472 days indicated on the patent is correct.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No.7,953,746	:	
Garg, et al.	:	DECISION FOR REQUEST
Issue Date: May 31, 2011	:	FOR RECONSIDERATION
Application No. 11/952,770	:	OF PATENT TERM
Filed: December 7, 2007	:	ADJUSTMENT
Attorney Docket No. 16113-1010001	:	

This is a decision on the "Response to Decision on Request for Reconsideration of Patent Term Adjustment", filed October 17, 2011. Patentees request that the patent term adjustment indicated on the face of the Letters of Patent be corrected from four hundred and seventy-two (472) days, to five hundred and ninety (590) days.

The request for reconsideration is granted to the extent that the determination has been reconsidered; however, the request for reconsideration of patent term adjustment is **DENIED** with respect to making any change in the patent adjustment determination under 35 U.S.C. § 154(b) of 472 days. Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

BACKGROUND

On May 31, 2011, the subject application matured into U.S. patent No. 7,953,746, with a revised patent term adjustment of four hundred and seventy-two (472) days. This revised determination included entry of an additional period of

adjustment of four hundred and sixty-one (461) days for the Office taking in excess of three years to issue the patent.

On August 1, 2011, a petition under 37 CFR 1.705(d) was filed requesting that patent term adjustment be reflected as five hundred and ninety (590) days. The petition under 37 CFR 1.705(d) was dismissed by a decision mailed August 16, 2011.

On October 17, 2011, this request for reconsideration of the decision was filed.

By the instant petition, patentees again dispute the calculation of the "B" delay period of the patent term adjustment. Specifically, patentees' state:

Patentees submit that B Delay accumulated for a total of 175 days, beginning on December 8, 2010 (the day after the date that is three years after the date on which the application was filed), and ending May 31, 2011 (the date the patent was issued). The Office has excluded from B Delay the number of days corresponding to the period beginning on December 21, 2010 (the date on which a Request for Continued Examination was filed) and ending on May 31, 2011 (the date the patent was issued). However, this entire period should not be excluded from B delay because it does not correspond in its entirety to continued examination. The Notice of Allowance Action mailed on February 3, 2011, closed examination of the application on that date. Section 154(b)(1)(B)(i) of Title 35 excludes from B Delay "time consumed by continued examination of the application." The statute does not provide for exclusion from B Delay of time from the mailing of a Notice of Allowance until issuance (a period during which continued examination did not occur).

Excerpt taken from "Response to Decision on Request for Reconsideration of Patent Term Adjustment and Notice of Intent to Issue Certificate of Correction", filed October 17, 2011 pgs. 2-3.

STATUTE AND REGULATION

35 U.S.C. § 154(b) as amended by § 4402 of the American Inventors Protection Act of 1999² (AIPA) provides that:

ADJUSTMENT OF PATENT TERM. —

(1) PATENT TERM GUARANTEES. —

(A) GUARANTEE OF PROMPT PATENT AND TRADEMARK OFFICE RESPONSES. — Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to —

(i) provide at least one of the notifications under section 132 of this title or a notice of allowance under section 151 of this title not later than 14 months after —

(I) the date on which an application was filed under section 111(a) of this title; or

(II) the date on which an international application fulfilled the requirements of section 371 of this title;

(ii) respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;

(iii) act on an application within 4 months after the date of a decision by the Board of Patent Appeals and Interferences under section 134 or 135 or a decision by a Federal court under section 141, 145, or 146 in a case in which allowable claims remain in the application; or

(iv) issue a patent within 4 months after the date on which the issue fee was paid under section 151 and all outstanding requirements were satisfied, the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described in such clause is taken.

(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY. — Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to

² Public Law 106-113, 113 Stat. 1501, 1501A-557 through 1501A-560 (1999).

issue a patent within 3 years after the actual filing date of the application in the United States, not including –

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS. – Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to –

(i) a proceeding under section 135(a);

(ii) the imposition of an order under section 181;
or

(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

(2) LIMITATIONS. –

(A) IN GENERAL. – To the extent that periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

The implementing regulation, 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

(a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

(2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

(3) Act on an application not later than four months after the date of a decision by the Board of Patent Appeals and Interferences under 35 U.S.C. 134 or 135 or a decision by a Federal court under 35 U.S.C. 141, 145, or 146 where at least one allowable claim remains in the application; or

(4) Issue a patent not later than four months after the date on which the issue fee was paid under 35 U.S.C. 151 and all outstanding requirements were satisfied.

(b) Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including³:

In pertinent part, 37 CFR § 1.703 provides for calculation of the periods, as follows:

³
U.S.C. 132(b);

(1) Any time consumed by continued examination of the application under 35 U.S.C. 132(b);

(2) Any time consumed by an interference proceeding under 35 U.S.C. 135(a);

(3) Any time consumed by the imposition of a secrecy order under 35 U.S.C. 181;

(4) Any time consumed by review by the Board of Patent Appeals and Interferences or a Federal court; or

(5) Any delay in the processing of the application by the Office that was requested by the applicant.

Period of adjustment of patent term due to examination delay.

(a) The period of adjustment under § 1.702(a) is the sum of the following periods:

(1) The number of days, if any, in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(2) The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(3) The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply in compliance with § 1.113(c) was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(4) The number of days, if any, in the period beginning on the day after the date that is four months after the date an appeal brief in compliance with § 41.37 of this title was filed and ending on the date of mailing of any of an examiner's answer under § 41.39 of this title, an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

(5) The number of days, if any, in the period beginning on the day after the date that is four months after the date of a final decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145 or 146 where at least one allowable claim remains in the application and ending on the date of mailing of either an action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151, whichever occurs first; and

(6) The number of days, if any, in the period beginning on the day after the date that is four months after the date the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued.

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods⁴:

37 CFR 1.703(f) provides that:

The adjustment will run from the expiration date of the patent as set forth in 35 U.S.C. 154(a)(2). To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed. The term of a patent entitled to adjustment under § 1.702 and this section shall be adjusted for the sum of the periods calculated under paragraphs (a) through (e) of this section, to the extent that such periods are not overlapping, less the sum of the periods calculated under § 1.704. The date indicated on any certificate of mailing or transmission under § 1.8 shall not be taken into account in this calculation.

⁴ (1) The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

(2)(i) The number of days, if any, in the period beginning on the date an interference was declared or redeclared to involve the application in the interference and ending on the date that the interference was terminated with respect to the application; and (ii) The number of days, if any, in the period beginning on the date prosecution in the application was suspended by the Office due to interference proceedings under 35 U.S.C. 135(a) not involving the application and ending on the date of the termination of the suspension;

(3)(i) The number of days, if any, the application was maintained in a sealed condition under 35 U.S.C. 181; (ii) The number of days, if any, in the period beginning on the date of mailing of an examiner's answer under § 41.39 of this title in the application under secrecy order and ending on the date the secrecy order was removed; (iii) The number of days, if any, in the period beginning on the date applicant was notified that an interference would be declared but for the secrecy order and ending on the date the secrecy order was removed; and (iv) The number of days, if any, in the period beginning on the date of notification under § 5.3(c) of this chapter and ending on the date of mailing of the notice of allowance under 35 U.S.C. 151; and,

(4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

OPINION

Patentees' argument has again been considered, but is not persuasive. The Office's calculation of "B delay" is correct. The "B delay" is an adjustment entered if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed. However, the adjustment does not include, among other things, any time consumed by continued examination of the application at the request of the applicant under 35 U.S.C. 132(b)⁵. So, with respect to calculating the "B delay" where applicant has filed a request for continued examination, the period of adjustment is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the number of days in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

Further, counting the period of time excluded from the "B delay" for the filing of a request for continued examination under 35 U.S.C. 132(b), from the date on which the request for continued examination is filed to the date the patent is issued is proper. Patentee does not dispute that time consumed by continued examination of an application under 35 U.S.C. 132(b) is properly

⁵ Pursuant to 35 U.S.C. 132(b), 37 CFR 1.114 provides for continued examination of an application, as follows:

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted;

(2) Abandonment of the application; or

(3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

excluded and that the calculation of the excluded period begins on the date of filing of the request for continued examination. At issue is what further processing or examination beyond the date of filing of the request for continued examination is not any time consumed by continued examination of the application under 35 U.S.C. 132(b). The USPTO indicated in September of 2000 in the final rule to implement the patent term adjustment provisions of the AIPA that once a request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114 is filed in an application, any further processing or examination of the application, including granting of a patent, is by virtue of the continued examination given to the application under 35 U.S.C. 132(b) and CFR 1.114. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56366, 56376 (Sept. 18, 2000) (response to comment 8). Thus, the excluded period begins with the filing of the request for continued examination and ends with the issuance of the patent.

Patentee's argument that the period of time after the issuance of a notice of allowance on a request for continued examination is not "any time consumed by continued examination requested by the applicant under section 132(b)" within the meaning of 35 U.S.C. 154(b)(1)(B)(i) is not availing. This limitation is not supported by the statutory language. Garcia v. United States, 469 U.S. 70, 75 (1984) ("only the most extraordinary showing of contrary intentions from [legislative history] would justify a limitation on the 'plain meaning' of the statutory language"). BP Am. Prod. Co. v. Burton, 549 U.S. 84, 91 (2006) ("Unless otherwise defined, statutory terms are generally interpreted in accordance with their ordinary meaning"). The statute provides for a guarantee of no more than 3-year application pendency, by providing for an adjustment in the patent term:

First, "Subject to the limitations of paragraph (2)," means that the limitations of paragraph 2 apply to this paragraph's adjustment of patent term. That is, the day-to-day extension of patent term for pendency beyond the 3 year period is restricted as follows: 1) "B delay" cannot accrue for days of "A delay" that overlap, 2) the patent term cannot be extended beyond disclaimed term, and 3) the period of adjustment, including accrued "B delay," will be reduced for applicant delay.

Second, "if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office

to issue a patent within 3 years after the actual filing date of the application in the United States," meaning that the condition must first occur that the issuance of an original patent (35 U.S.C. 153), not merely the issuance of a notice of allowance, is delayed due to the Office's failure to issue a patent (sign and record a patent grant in the name of the United States), not merely mail a notice of allowance, within 3 years after the actual filing date of the application in the United States. This provision gives the Office a three-year period to issue a patent (sign and record a patent grant in the name of the United States) after the application filing date before an adjustment will accrue for "B delay."

Third, "not including- (i) any time consumed by continued examination of the application requested by the applicant under section 132(b); (ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), meaning that the three-year period does not include "any time consumed by" or "any delay in processing," as specified in clauses (i)-(iii). This language correlates to 35 U.S.C. 154(b)(1)(A) which likewise provides the basis for determining the period given the Office to take the specified actions before an adjustment will accrue for "A delay" (e.g., extended for 1 day after the day after the period specified in clauses (i)-(iv)).

Furthermore, these clauses are interpreted using their ordinary meanings. Nonetheless, the context of the legislation should be considered. As stated in Wyeth v. Dudas, 580 F. Supp.2d 138(D.D.C., September 30, 2008), because the clock for calculating the 20-year patent term begins to run on the filing date, and not on the day the patent is actually granted, some of the effective term of a patent is consumed by the time it takes to prosecute the application. To mitigate this effect, the statute, *inter alia*, grants adjustments of patent term whenever the patent prosecution takes more than three years, regardless of the reason. The time consumed by prosecution of the application includes every day the application is pending before the Office from the actual filing date of the application in the United States until the date of issuance of the patent. The time it takes to prosecute the application ends not with the

mailing of the notice of allowance, but with the issuance of the patent.

Thus, not including "any time consumed by" means not including any days used to prosecute the application as specified in clauses (i)-(ii)⁶. Clause (i) specifies "any time consumed by continued examination of the application requested by the applicant under section 132(b)." Clause (ii) specifies "any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court." "Time" in the context of this legislation throughout refers to days. "Consumed by" means used by or used in the course of. *Websters Collegiate Dictionary*, (11th ed.). The "any" signifies that the days consumed by are "any" of the days in the pendency of the application, and not just days that occur after the application has been pending for 3 years. As such, "any time consumed by" refers to any days used in the course of 1) continued examination of the application under section 132(b) (the filing of a request for continued examination), 2) interference proceedings, 3) secrecy orders, and 4) appellate review. Thus, that 3-year period given to the Office to issue a patent before an adjustment will accrue for "B delay" does not include any days used in the course of or any time consumed by clauses (i)-(ii), including any time consumed by the filing of a request for continued examination.

Fourth, "the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued" meaning that the consequence of this failure is that after "the end of that 3-year period" an additional 1 day of patent term will accrue for each day that the application is pending until the day the patent is issued.

⁶ Clause (iii) provides for not including (iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C), the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued. It is noted that paragraph (3)(C) allows with an adequate showing by applicant for reinstatement of no more than 3 months of the patent term reduced for applicant delay in taking in excess of three months to respond.

The "time consumed by" or used in the course of the continued examination of the application requested by the applicant under section 132(b) does not end until issuance of the patent. 35 U.S.C. 132(b) was enacted under the same title, the "American Inventors Protection Act of 1999," as 35 U.S.C. 154(b). Section 4403 of the AIPA amended 35 U.S.C. § 132 to provide, at the request of the applicant, for continued examination of an application for a fee (request for continued examination or RCE practice), without requiring the applicant to file a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d). Thus, clause (i) is different from clause (ii) in that clause (i) refers to an examination process whereas clause (ii) refers to time consumed by proceedings (interferences, secrecy orders and appeals) in an application.

By nature, the time used in the course of the examination process continues to issuance of the patent. The examination process involves examining the application to ascertain whether it appears that the applicant is entitled to a patent under the law. See 35 U.S.C. 131 ("[t]he Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor"). If on examination it appears that the applicant is entitled to a patent, the USPTO issues a notice of allowance. See 35 U.S.C. 151 ("[i]f it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant"). If on examination it appears that the applicant is not entitled to a patent, the USPTO issues a notice (an Office action) stating the applicable rejection, objection, or other requirement, with the reasons therefor. See 35 U.S.C. 132 ("[w]henever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application"). Neither the issuance of a notice of allowance nor the issuance of an Office action terminates the examination process. If after the issuance of an Office action under 35 U.S.C. 132 it subsequently appears that the applicant is entitled to a patent (e.g., in response to an argument or amendment by the applicant), the USPTO will issue a notice of allowance.

Conversely, if after the issuance of a notice of allowance under 35 U.S.C. 151 it subsequently appears that the applicant is not entitled to a patent (e.g., in response to information provided by the applicant or uncovered by the USPTO), the USPTO will withdraw the application from issuance and issue an Office action under 35 U.S.C. 132 stating the applicable rejection, objection, or other requirement, with the reasons therefor.

As held in Blacklight Power, the USPTO's responsibility to issue a patent containing only patentable claims does not end with the issuance of a notice of allowance under 35 U.S.C. 151. See BlackLight Power, Inc. v. Rogan, 295 F.3d 1269, 1273 (Fed. Cir. 2002). Rather, if there is any substantial, reasonable ground within the knowledge or cognizance of the Director as to why an application should not issue, it is the USPTO's duty to refuse to issue the patent even if a notice of allowance has previously been issued for the application. See In re Drawbaugh, 9 App. D.C. 219, 240 (D.C. Cir 1896).

Moreover, the applicant continues to be engaged in the examination process after the mailing of the notice of allowance. 37 CFR 1.56 makes clear that the applicant has a duty to disclose information material to patentability as long as the application is pending before the USPTO (i.e., until a patent is granted or the application is abandoned). See 37 CFR 1.56(a) ("[t]he duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned"). 37 CFR 1.97 and 1.98 provide for the consideration of information submitted by the applicant after a notice of allowance has been mailed. See 37 CFR 1.97(d). In addition, 37 CFR 1.312 provides for the amendment of an application after a notice of allowance has been mailed. In fact, the request for examination procedures⁷ permit the filing of a request for continued examination under 37 CFR 1.114 even after the issuance of a notice of allowance under 35 U.S.C. 151. See 37 CFR 1.114(a)(1).

As the examination process does not terminate with the mailing of the notice of allowance, the time consumed by continued examination requested by the applicant under section 132(b) does not terminate with the mailing of the notice of allowance. All the time the application is pending from the

⁷ Thus, on occasion, even where a request for continued examination has already been filed and a notice of allowance issued pursuant to that request, applicant may file a further request for continued examination.

date of filing of the request for continued examination to the mailing of the notice of allowance through issuance of the patent is a consequence of the filing of the request for continued examination. Further action by the Office is pursuant to that request. Applicant has gotten further prosecution of the application without having to file a continuing application under 37 CFR 1.53(b).

All of the continued examination pursuant to the filing of the request by the applicant is properly excluded from the delay attributed to the Office. 35 U.S.C. 154(b)(1)(B)'s guarantee of a total application pendency of no more than three years provides for adjustment of the patent term for delay due to the Office's failure to issue the patent within three years, but does not include "any time consumed by continued examination requested by the applicant under 35 U.S.C. 132(b)." It is not necessary to mitigate the effect on the 20-year term to the extent that applicant has requested that the Office continue to examine the application via a request for continued examination, in lieu of, the filing of a continuing application under 37 CFR 1.53(b).

In this instance, a request for continued examination was filed on December 21, 2010, and the patent issued by virtue of that request on May 31, 2011. Pursuant to 35 U.S.C. 154(b)(1)(B)(i), the period beginning on December 21, 2010, and ending on May 31, 2011, is not included in calculating Office delay. In view thereof, it is concluded that the patent term adjustment of 472 days is correct.

CONCLUSION

The request for reconsideration of the revised patent term adjustment is denied.

The Office acknowledges that patentees previously submitted the \$200 fee set forth in \$1.18(e) on application for patent term adjustment filed August 1, 2011. As this request pertains only to the over 3-year delay issue raised in the application for patent term adjustment, no additional fees are required. The amount of \$200.00 will be refunded, accordingly.

In re Patent No. 7,953,746 Application No. 11/952,770 15

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin. Petitions Attorney, (571) 272-3222.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is positioned above the printed name.

Anthony Knight
Director
Office of Petitions



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In re Application of Spencer Frazer :
Application No. 11/952,815 : Decision on Petitions Under
Filing Date: December 7, 2007 : 37 CFR 1.78(a)(3) and (a)(6)
Attorney Docket No. P316357CONT :

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed January 30, 2012, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) The reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) The surcharge set forth in § 1.17(t); and
- (3) A statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application(s) as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application(s) claiming the benefit of the prior-filed provisional application(s) must have been filed within twelve months of the filing date of the prior-filed provisional application(s).

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120, 37 C.F.R. §§ 1.78(a)(1) and (a)(2), 35 U.S.C. § 119(e), and 37 C.F.R. §§ 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

The application is being forwarded to Technology Center Art Unit 3724 for consideration by the examiner of the claim of priority under 35 U.S.C. § 120 to the prior-filed applications and the claim under 35 U.S.C. § 119(e) for the benefit of priority to the prior-filed provisional applications.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/952,815	12/07/2007	3724	1645	P316357CONT	39	10

CONFIRMATION NO. 1975

CORRECTED FILING RECEIPT



OC000000053125212

Date Mailed: 03/14/2012

14232
Forrest Law Office, P.C.
2388 NE 12th Way
Hillsboro, OR 97124

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Spencer Frazer, Lynnwood, WA;

Power of Attorney: The patent practitioners associated with Customer Number 14232

Domestic Priority data as claimed by applicant

This application is a CON of 11/045,866 01/28/2005
which is a CIP of 10/217,340 08/08/2002 PAT 6941661
which claims benefit of 60/310,941 08/08/2001
and claims benefit of 60/353,791 01/31/2002

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 12/14/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/952,815**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

FOLDING KNIFE

Preliminary Class

030

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of
Lewis B. Aronson et al.
Application No. 11/952,832
Filed: December 7, 2007
Attorney Docket No. 15436.1143.1

DECISION ON PETITION
UNDER § 1.183

This is a decision in response to the petition filed October 27, 2010, under 37 CFR § 1.183 for waiver of the requirement under 37 CFR § 1.131 that all of the inventors sign the declaration of prior inventorship.

The petition under 37 CFR 1.183 is **DISMISSED**.

The above-identified application was filed on December 7, 2007, with a 37 CFR 1.63 declaration signed by all of the inventors. With the instant petition, applicants filed a 37 CFR § 1.131 declaration. The 37 CFR § 1.131 declaration was executed by joint inventors Douma and Cole but not by joint inventor Aronson. Applicants have filed the instant petition to have the 37 CFR § 1.131 declaration accepted as signed by Douma and Cole on their own behalf and on behalf of non-signing inventor Aronson.

37 CFR 1.131 states, in pertinent part:

When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.

In addition, the Manual of Patent Examining Procedure states that "an application or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection."

Here, there has not been a party qualified under 37 CFR 1.42, 1.43, or 1.47. In addition, applicants do not contend that less than all of the named inventors of the application invented the subject matter of the claims under rejection. Accordingly, the proper parties to sign the 37 CFR § 1.131 declaration include all of the joint inventors.

In order for a petition under 37 CFR § 1.183 to be granted to waive this requirement that joint inventor Aronson sign the 37 CFR § 1.131 declaration, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

On instant petition, applicants argue that joint inventor Aronson is deceased. Applicants have not however, provided any evidence to show that steps have been taken to obtain the signature of the legal representative for deceased inventor Aronson on the 37 CFR § 1.131 declaration. Thus, applicants have not shown that a bona fide effort was made to reach or locate the legal representative of joint inventor Aronson to present the 37 CFR § 1.131 declaration and supporting documentation.

Under the circumstances, therefore, it is concluded that petitioner has not demonstrated that this is an extraordinary situation, warranting waiver of the rules.¹

Before the Declaration under 37 CFR 1.131 can be entered, petitioner must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, to identify and to send the declaration to the last known address of the legal representative of Lewis B. Aronson, or of the **additional efforts**, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate the legal representative, or an updated address for them, send or give a copy of the application papers to them, and request that they sign and return the declaration. If repeated attempts to contact the legal representative by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that they cannot be found despite diligent efforts.

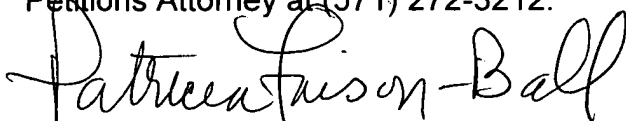
The petition fee in the amount of \$400 has been charged to deposit account no. 23-3178

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹MPEP 409.03(d).



UNITED STATES PATENT AND TRADEMARK OFFICE

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KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of
Naresh C. Beharaju, et al.
Application No. 11/952,924
Filed: December 7, 2007
Attorney Docket No. PHILO.019A

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 13, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Thomas R. Arno on behalf of all attorneys of record who are associated with customer No. 20995. All attorneys/agents associated with the Customer Number 20995 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: PHILOMETRON, INC.
10451 ROSELLE STREET
SUITE 100
SAN DIEGO, CA 92121



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ALTIS LAW GROUP, INC.
ATTN: STEVEN REISS
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY, CA 91789

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of
Chien-Wen Hsu, et al.
Application No.: 11/952,979
Filed: December 7, 2007
Attorney Docket No.: US15124

:
:
:
:
:

ON PETITION

This is a decision on the petition, filed June 15, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 27, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2878 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 9/14/10 Paper No.: _____
 TO SPE OF : ART UNIT 2812 Graeber Charles
 SUBJECT : Request for Certificate of Correction for Appl. No.: 11/153002 Patent No.: 7728427

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:


Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-A
Palm Location 7580



 Certificates of Correction Branch
 703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

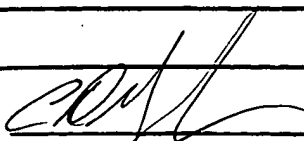
☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____



SPE

2812
Art Unit



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Paper No.

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APR 04 2011

OFFICE OF PETITIONS

Schwabe Williamson & Wyatt
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND OR 97204

In re Patent No. 7,840,927 : DECISION ON REQUEST
Dozier et al. : FOR
Issue Date: November 23, 2010: RECONSIDERATION OF
Application No. 11/953,048 : PATENT TERM ADJUSTMENT
Filed: December 8, 2007 : and
Atty Docket No. 120199-167145: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION UNDER 37 CFR § 1.705(d)," filed January 19, 2011. Patentee requests that the patent term adjustment be corrected from two hundred and eighty-four (284) days to three hundred and fifty-nine (359) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred and fifty-nine (359) days is **GRANTED**.

The record supports a conclusion that this patent is not subject to a terminal disclaimer.

Patentee disputes the 75-day reduction pursuant to 37 C.F.R. § 1.704(c)(10), which states that circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on

the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
(ii) Four months...

A notice of allowance was mailed on July 22, 2010, a Statement pursuant to 37 C.F.R. § 3.73(b) was filed on September 10, 2010,¹ and the patent issued 74 days later on November 23, 2010. The Office assigned a 75-day reduction pursuant to 37 C.F.R. § 1.704(c)(10)(i), as the patent issued 74 days after the filing of the Statement pursuant to 37 C.F.R. § 3.73(b) and the date on which the supplemental response was filed is included in the period of delay.

Patentee argues that the submission of the Statement pursuant to 37 C.F.R. § 3.73(b) on September 10, 2010 should not warrant a reduction, as the submission is related to a previously submitted Power of Attorney.²

Patentee's argument has been considered, and it has been deemed to be persuasive: the reduction of 75 days is not warranted. It is noted that MPEP 2732 sets forth, *in pertinent part*:

"37 CFR 1.704(c)(10) establishes submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. The submission of amendments (or other papers) after an application is allowed may cause substantial interference with the patent issue process. Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. See Clarification of 37 CFR 1.704(c)(10) - Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001). The submission of the following papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application: (1) Fee(s) Transmittal (PTOL-85B); (2) Power of Attorney; (3) Power to Inspect; (4) Change of Address; (5) Change of Status (small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;" and (7) letters related to government interests (e.g., those between NASA

¹ A Power of Attorney and a first Statement pursuant to 37 C.F.R. § 3.73(b) were concurrently filed on January 14, 2009. A second Statement pursuant to 37 C.F.R. § 3.73(b) was filed since the first Statement pursuant to 37 C.F.R. § 3.73(b) "did not show the full chain of title." Petition, page 1.

² Petition, page 2.

and the Office). Papers that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application include: (1) a request for a refund; (2) a status letter; (3) amendments under 37 CFR 1.312; (4) late priority claims; (5) a certified copy of a priority document; (6) drawings; (7) letters related to biologic deposits; and (8) oaths or declarations. 37 CFR 1.704(c)(10) provides that in such a case the period of adjustment set forth in 37 CFR 1.703 shall be reduced by the lesser of: (1) the number of days, if any, beginning on the date the amendment under 37 CFR 1.312 was filed and ending on the mailing date of the Office action or notice in response to the amendment under 37 CFR 1.312 or such other paper; or (2) four months. The phrase "lesser of .or [f]our months" is to provide a four-month cap for a reduction under 37 CFR 1.704(c)(10) if the Office takes longer than four months to issue an Office action or notice in response to the amendment under 37 CFR 1.312 or other paper."

Emphases added.

As such, the patent term adjustment is increased by 359 (359 examination delay plus 0 B delay minus 0 applicant delay minus 0 overlap) days. The \$200.00 fee set forth in 37 C.F.R. § 1.18(e) will be charged to Deposit Account No. 50-0393 in due course, as authorized on the second page of this petition. No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred and fifty-nine (359) days**.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.³

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,840,927 B1

DATED : November 23, 2010

DRAFT

INVENTOR(S) : Dozier et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 284 days

Delete the phrase "by 284 days" and insert – by 359 days--



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LEWIS, BRISBOIS, BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET
SUITE 1200
LOS ANGELES CA 90012

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APR 04 2011

OFFICE OF PETITIONS

In re Application of :
Denise Horton, et al. :
Application No. 11/953,085 : **DECISION ON PETITION**
Filed: December 10, 2007 :
Attorney Docket No. 28074-6 :

This is a decision on the petition, filed February 2, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before December 20, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed September 20, 2010. The Notice of Abandonment was mailed January 3, 2011.

Petitioner in requesting withdrawal of the holding of abandonment asserts that the Notice dated September 20, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

The showing required to establish nonreceipt of an Office communication must include:

(1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

(2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 3765 for re-mailing the Notice of Allowability of September 20, 2010. The period for reply will run from the mailing date of the Notice.

/ Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/953,141	12/10/2007	Linyi TIAN	10195-0026	1621

7590 10/26/2010
Huawei Technologies Co., Ltd./Finnegan
901 New York Avenue
NW
Washington, DC 20001

EXAMINER

GENACK, MATTHEW W

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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10/26/2010

PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



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LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

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DEC 09 2011

OFFICE OF PETITIONS

In re Patent No.: 7,999,744 :
Issue Date: August 16, 2011 :
Application No.: 11/953,210 : **DECISION ON PETITION**
Filed: December 10, 2007 :
Attorney Docket No.: 404095 :

This is a decision on the petition under 37 CFR 1.182, filed November 11, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue a duplicate Letters Patent.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Ollie Person in the Office of Data Management at (703) 756-1555.

A copy of this decision is being faxed to Office of Data Management for issuance of a duplicate Letters Patent.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Ollie Person, RSQ, 9th Floor, Room D30-A (Fax No. 571-270-9764)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 06/07/11

TO SPE OF : ART UNIT: 3776 Attn: MANAHAN TODD E (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/953369 Patent No.: 7918233

CofC mailroom date: 05/24/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: Please check Related U.S. Application Data

Tasneem Siddiqui

Certificates of Correction Branch

703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

TODD E. MANAHAN
SUPERVISORY PATENT EXAMINER

SPE

3776
Art Unit



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK NY 10110

MAILED
OCT 13 2010
OFFICE OF PETITIONS

In re Application of :
Torben Vedel Borchert, et al. :
Application No. 11/953,532 : **DECISION ON PETITION**
Filed: December 10, 2007 :
Attorney Docket No. 5368.240-US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed November 16, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 17, 2009. The Notice of Abandonment was mailed August 5, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1652 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions